

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CR No.3291 of 2018 (O&M)

Bikram Sandhu

... Petitioner

Versus

Japna Dhillon

... Respondent

2. CR No.4198 of 2018 (O&M)

Japna Dhillon

... Petitioner

Versus

Bikram Sandhu

... Respondent

Date of decision: 18th April, 2022

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rohit Nagpal, Advocate
for the husband (Bikram Sandhu).

Mr. Raman Mahajan, Advocate
for the wife (Japna Dhillon).

FATEH DEEP SINGH, J.

Since both these revision petitions, one by the husband Bikram Sandhu (CR No.3291 of 2018) and the other by wife Japna Dhillon (CR No.4198 of 2018) have both arisen out of a common order dated 04.05.2018 whereby the Court of learned Additional District Judge, Chandigarh in an application filed under Section 24 of the Hindu Marriage Act, 1955 (in short, 'the Act') in the main petition under Section 13 of the Act seeking dissolution of marriage by divorce, had granted ad-interim maintenance. The wife had sought enhancement

of the same whereas husband had sought its reduction. Since common question of law and facts are involved, as such both these matters are being disposed off together by this common judgment.

Undisputedly, the couple belongs to Jat Sikh agricultural background families and are well qualified. The husband is stated to be holding a degree of Masters of Business Administration (MBA) while the wife is an MBBS by profession, and were got married on 30.04.2016 but the couple fell apart and thus no child was born to them out of this wedlock. It is thereafter, the husband instituted a petition seeking divorce from the respondent wife in which the wife had sought interim maintenance under Section 24 of the Act during the divorce proceedings. It was vide impugned order the Court below had granted to the wife maintenance to the tune of ₹ 50,000/- per month from the date of filing of the application besides ₹ 31,000/- as litigation expenses.

The provisions of Section 24 of the Hindu Marriage Act, 1955 are primarily by way of economic assistance to the weaker sex to enable her to look after/maintain herself as well as to contest the litigation. The husband has instituted the present proceedings and thus, compelled the wife to seek aid under this provision.

Upon giving thoughtful consideration to the lengthy arguments submitted by Mr. Rohit Nagpal, Advocate for the husband and Mr. Raman Mahajan, Advocate representing the wife and on

perusal of the records in detail. What is reflected that because of their high education and wealthy family background, the parties are litigating with each other under various provisions of law in different arenas. Besides litigating under Hindu Marriage Act, 1955, there is a complaint under the Protection of Women from Domestic Violence Act, 2005; criminal prosecution under cruelty to women etc., so on and so forth, and therefore, is quite illustrative of the extent to which this dispute has come about. The woman as is there in her pleadings and so in the arguments, had left her job with the private hospital before entering into this wedlock. The husband as is there, is owning 1/3rd share in a flat in the posh area of Gurugram besides fixed deposit receipts, bank accounts and also owning agricultural land in villages of Sarava Bodla and Aspal in District Muktsar besides share in a house in Sector 26, another apartment in Gurugram and commercial premises in New Delhi. The wife had assessed the income of the husband based on the income tax returns and earnings from the immovable properties as well as movable assets to the tune of ₹ 5.00 lacs per month. On the other hand, the husband claims that the wife belongs to a well-to-do family and there is every likelihood that she will earn her own livelihood being a professional doctor having a sufficient earning and is able to look after herself and maintain, as there is no liability for any expenses to be incurred by her.

The learned Court below while adjudicating on this aspect of the matter, had considered at length the status, educational qualification and economic position of both the sides. Since the wife at the time of passing of the impugned order is not shown to be gainfully employed and the husband is shown to be earning considerably and in view of the well enunciated principle of law, the wife is supposed to have status commensurate with that of her husband and merely because there is likelihood of her earnings being a professional qualified person, is no ground to decline her claim for interim maintenance. More so, it is the husband who has initiated this litigation against his wife and therefore she is compelled to contest the same to protect her life and interest. The impugned order has given thoughtful consideration to the income from various sources, agricultural, commercial and liquid assets and by some amount of guess-work and hypothetical calculations has rightly arrived at a decision that ₹ 50,000/- would be appropriate maintenance for the wife to carry on her life to the status she is attuned to after her marriage. More so, during the course of this multifarious litigation the wife needs to attend the Court hearings, pay for the legal fees besides other miscellaneous expenses together with keeping her life afloat, and the very aim and object of the provisions under this provision of law has a wider connotation and includes besides food, clothing, residence, medical expenses, all activities commensurate with the lifestyle of a person. The impugned order is well reasoned,

considering all aspects of the matter and the law on the point and thus, this Court does not feel inclined to give any indulgence as the interim maintenance so awarded appears to be highly justified taking a balanced approach and needs to be upheld. There is no merit in the instant two revision petitions and which both stand dismissed.

(FATEH DEEP SINGH)
JUDGE

April 18, 2022

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No