

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

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**CR No. 3482 of 2022  
Date of decision : 9.9.2022**

**Vikram Singh****.....Petitioner****Vs.****Reena Devi****.....Respondent****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Govind Rana, Advocate, for the petitioners  
Mr. S.S. Kasan, Advocate, for the respondents

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**TRIBHUVAN DAHIYA, J. (Oral)**

1. This revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 30.5.2022 (Annexure P-5), passed by Additional Principal Judge, Family Court, Panipat, whereby the petitioner/husband's application for ad-interim maintenance filed under Section 24 of the Hindu Marriage Act, 1955, has been dismissed.

2. Brief facts of the case are, marriage between the parties was solemnised on 19.7.2007. No child was born out of the wedlock. The petitioner/husband filed a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights before the Family Court, Panipat. During pendency of the proceedings, the petitioner/husband filed an application under Section 24 of the Hindu Marriage Act, 1955, seeking maintenance *pendente lite*. The said application was dismissed by the Family Court vide order dated 30.5.2022 by observing that maintenance cannot be granted to him since there was nothing on record to establish his inability to earn his livelihood.

3. Learned counsel for the petitioner/husband has argued that the respondent/wife is earning being in service in Delhi Police, and he being unable to maintain himself for want of adequate resources and income, is entitled to maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, 1955.

4. This bald assertion of the petitioner/husband to claim maintenance cannot be entertained. Assuming he is not able to earn for himself for the time being, it is no ground to claim maintenance *pendente lite* from an earning wife. The petitioner has averred that he aided his wife financially in her formative years and helped her get education to fulfill her dream of joining government service. This self serving averment of the petitioner deserves to be rejected outrightly. Whatever has been done by him for his wife, while staying together, cannot be a ground to claim maintenance *pendente lite* at the time when the two are living separately. Merely because a provision exists in the statute that provides for grant of maintenance, is no ground in itself to claim such a maintenance. It has not been established on record as to why the petitioner is not able to earn a living for himself, even if his statements are to be believed on their face value. On the contrary, the evidence has come on record in the form of wife's affidavit with accompanying photograph of a shop in the name and style of Indu Studio, statedly being run by the petitioner/husband. Besides, he has filed a number of cases against owner of the said shop as well, which stands established on record by way of relevant documents. In this background, it is apparent that the application seeking maintenance *pendente lite* filed by the petitioner/husband is only an attempt to harass the respondent/wife, and nothing more. It cannot be free will of the husband to

choose not to earn anything, despite being able bodied, and seek maintenance from his estranged wife only on account of her being earning for herself.

5. No ground to interfere is made out.

6. Dismissed.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

**7.9.2022**

*Ashwani*

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No