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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-3693-2022 (O&M)****Date of Decision: November 15, 2022**

Raj Kumar

..... Petitioner

Versus

Ritu

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. P.S. Toor, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 06.07.2022 passed by the Court of Additional Principal Judge, Family Court, Ludhiana; whereby a sum of Rs.10000/- per month has been granted as maintenance pendente lite in favour of respondent-wife (hereinafter referred to as 'respondent') from the date of application.

Brief facts of the case are that marriage between the petitioner-husband (hereinafter referred to as 'petitioner') and respondent took place on 06.02.2010 as per Hindu rites and ceremonies. No issue was born out of the aforesaid wedlock. The parties started living separately since April 2019. The divorce petition came to be filed at the instance of petitioner against respondent in July 2019, *inter-alia*, on the ground of adultery. The respondent controverted the averments made in divorce petition and contested the same.

In February 2021, respondent moved an application under Section 24 of the Hindu Marriage Act, 1955, for grant of maintenance pendente lite as well as litigation expenses, stating therein that she being a house-hold lady having no source of income and was living with her old aged mother, being totally dependent upon her family members including her brothers and sisters.

The trial Court vide its impugned order dated 06.07.2022 granted a sum of Rs.10000/- per month as maintenance pendente lite in favour of respondent, besides another sum of Rs.5500/- as one time litigation expenses.

Challenging the order dated 06.07.2022, learned counsel for the petitioner submits that the petitioner was paying the instalments of car loan as well as personal loan and as such the amount awarded in favour of the respondent was on the higher side. He further submits that in view of the fact that respondent was running a boutique and beauty parlour in her house and earning handsome income which was sufficient to maintain her, the amount of maintenance was required to be reduced.

I have heard learned counsel for the petitioner and gone through the paper-book. Considering the fact that the petitioner has been employed in Northern Railway as SSE/G, DSL, Shed, Ludhiana and was getting Rs.41000/- per month as his in-hand salary, grant of sum of Rs.10000/- per month as maintenance pendente lite in favour of respondent, cannot be said to be on the higher side by any stretch of imagination. In fact, the amount awarded appears to be the result of judicious discretion exercised by the court below. Besides it, even

the repayment of car loan as well as personal loan on the part of petitioner cannot come to his rescue as both the loans have been taken by the husband so as to enhance his own status and thus, cannot be considered to the disadvantage of respondent for the purpose of determining her maintenance in a matrimonial litigation. Rather, on the other hand, the respondent wife is entitled for maintenance sufficient enough to maintain a somewhat similar social status and standard as that of her husband. Still further, not even prima facie, it has been established on record that the respondent was earning anything by running any boutique or Beauty Parlour.

In view of the discussion made hereinabove, I do not find any merit in the revision petition filed at the instance of petitioner-husband and as such, the same is dismissed.

November 15, 2022
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No