

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 433 of 2019
Shamsher Singh
... Petitioner(s)

Versus

Navdeep Kaur
... Respondent(s)

AND

2. Civil Revision No. 3440 of 2019 (O&M)
Navdeep Kaur
... Petitioner(s)

Versus

Shamsher Singh
... Respondent(s)

DATE OF DECISION: 04.12.2023

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. R.S.Randhawa, Advocate
for the petitioner (In CR-433-2019) and
for the respondent (In CR-3440-2019).

Mr. Prateek Sodhi, Advocate
for the petitioner (In CR-3440-2019) and
for the respondent (In CR-433-2019).

Anil Kshetarpal, J.

1. Two cross-revision petitions filed by the husband and the wife have come up for final disposal. Both these revision petitions arise from an order, while directing the respondent-husband to pay maintenance pendente lite @ ₹18,000/- per month to his wife passed by the Family Court, Gurdaspur. The husband claims that the amount is excessive, whereas the wife claims that it is on the lower side.

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2. It has come on record that the divorce petition filed by the husband was dismissed in default on 19.02.2020, but no application for restoration thereof has been filed.

3. The learned counsel representing the husband submits that the petitioner (husband) has already suffered incarceration for a period of three months for non-payment of maintenance pendente lite. It is also contended that the Family Court has erred in assuming the husband's income @ ₹50,000/- per month particularly when the income-tax return proves that the petitioner has a total income of ₹3,63,311/- from all the sources.

4. On the other hand, the learned counsel representing the wife submits that the Family Court has erred in overlooking the fact that the wife has not only claimed maintenance for herself, but also for her son.

5. The maintenance pendente lite is payable only during the pendency of the petition. The divorce petition filed by the husband was dismissed in default on 19.02.2020. Thus, the dispute only lies with regard to the period between the date on which the application under Section 24 of the Hindu Marriage Act, 1955, was filed till 19.02.2020.

6. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

7. On the one hand, there is an obvious error in the impugned order passed by the Family Court by assuming the husband's income to be ₹50,000/- per month whereas the income-tax return shows that he was earning ₹30,000/- per month only. On the other hand, the Family Court has also erred in overlooking the fact that the couple also has a child who is staying with the wife.

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8. Keeping in view the aforesaid factual position, the amount of ₹18,000/- as ordered by the Family Court is just and proper. Hence, no ground is made out to interfere with the impugned order. Consequently, both the revision petitions are dismissed.

9. The miscellaneous application(s) pending, if any, in Civil Revision No. 3440 of 2019 shall stand disposed of.

**(Anil Kshetarpal)
Judge**

**December 04, 2023
“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No