

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

116

2023:PHHC:164657

CR-5915-2018

Date of decision: 21.12.2023

GAYATRI DEVI

..Petitioner

Versus

NAVEEN JHA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Gahlawat, Advocate
for the petitioner.

Mr. I.S. Saggu, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed by the wife of the respondent with a prayer to enhance/modify the amount of maintenance *pendente lite* awarded by the family Court during the pendency of the divorce petition filed by the husband. It has come on record that the respondent-husband is a software engineer and was getting gross salary of Rs.66,888/- with a net salary of Rs.62,260/- per month as per the salary slip for the month of July, 2017. As per his Income Tax Return for the year 2017-18, his gross income was Rs.7,08,524/-. The Family Court has awarded a sum of Rs.4,000/- per month to the wife who is also maintaining a minor child.

2. The learned counsel representing the respondent submits that now the petitioner can file a petition under Section 24 of the Hindu Marriage Act, 1955, before the First Appellate Court against the decree of divorce. He submits that the respondent is taking care of his aged parents and therefore, the amount awarded is sufficient.

3. This Court has considered the submissions of the learned counsel representing the parties.

4. The petitioner (wife) can file a petition under Section 24 of the Hindu Marriage Act, 1955, before the First Appellate Court, however, that will be only restricted to the period when the appeal was instituted. As far as the maintenance *pendente lite* during the pendency of the divorce petition, this Court is required to decide the matter.

5. On a Court question, the learned counsel representing the respondent has failed to disclose the profession or business of respondent's father. However, the learned counsel representing the respondent submits that the respondent is paying easy monthly installment of Rs.28,196/- per month for purchase of the house, which is in the name of the respondent. Thus, it is evident that the respondent has sufficient resources particularly when he is able to pay easy monthly installments at the rate of Rs.28,000/- per month approximately, for purchase of his house. The total salary of the respondent is nearly Rs.67,000/- per month. The wife and the child of the respondent are entitled to live in a graceful manner with the same standard as the respondent lives.

6. Keeping in view the aforesaid facts, the order passed by the Family Court, Faridabad, is modified. The amount of maintenance *pendente lite* is fixed at the rate of Rs.25,000/- per month, which shall be payable from the date of filing of the application till the date of decree of divorce is passed.

7. Disposed of accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.

December 21st, 2023

(ANIL KSHETARPAL)
JUDGE

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