

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
113 **CR-786-2023 (O&M)**
Date of decision: 24.05.2023

Preeti

...Petitioner(s)

Vs.

Amarjeet

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sahil Khunger, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the wife seeking modification of order dated 20.12.2022 passed by learned Additional Principal Judge, Family Court, Sonipat whereby the application filed by the petitioner/wife under Section 24 of the Hindu Marriage Act, 1955 for grant of maintenance pendente lite was partly allowed by granting maintenance of Rs.15,000/-. By way of present petition, the petitioner seeks modification of the said order and prays that the maintenance pendente lite be granted @ Rs.30,000/- per month.

2. Learned counsel for the petitioner seeks enhancement of maintenance pendente lite inter alia, on the ground that the respondent/husband is serving in Indian Air Force and is drawing a salary of Rs.60,000/- per month. However, the petitioner has been awarded only Rs.15,000/- per month as maintenance pendente lite. It is further submitted that the respondent/husband owns movable and immovable assets, whereas the petitioner has no movable or immovable assets in her name for her sustenance. It is further submitted by learned counsel for the petitioner that the petitioner is living in Bombay and she has to travel to Sonipat to attend to the petition filed by the respondent under Section 13 of the Hindu Marriage Act seeking a decree of divorce from the petitioner.

It is submitted that for every visit/trip, she has to spend a sum of Rs.20,000/- on her travel from Bombay to Sonipat. It is submitted that while assessing maintenance pendente lite, these facts have not been considered by the learned Family Court.

3. No other argument is raised on behalf of the petitioner.

4. I have heard learned counsel for the petitioner.

5. Perusal of record of the case shows that marriage between the parties was solemnised on 10.08.2014, and out of this wedlock one male child namely Prerit was born on 14.08.2018, who is admittedly in the care and custody of respondent/husband. The record further reveals that the petitioner is suffering from Seizure disorder with Psychosis having risk of DSH (Deliberate Self Harm). It is for this reason that by mutual agreement between the parties, the minor son was agreed to be kept in the custody of the respondent, and mother of the respondent. Despite said agreement, petitioner had filed a petition seeking custody of the child which was dismissed by the learned Family Court vide order dated 20.12.2022. Petitioner had challenged the said order before this Court by way of CR No.751 of 2023, which was dismissed by this Court vide order dated 17.02.2023.

6. As regards contention on behalf of the petitioner that she has to travel from Bombay to Sonipat to attend to the proceedings under Section 13 HMA, and that she spends Rs.20,000/- on travel on each trip, I find the said ground to be unfounded. Perusal of Memo of Parties reveals that the petitioner has shown herself to be a resident of Sonipat. Moreover, admittedly, father of the petitioner is settled in Sonipat after his retirement from Indian Navy.

7. As regards maintenance pendente lite admittedly, the respondent is already also paying Rs.8,600/- to the petitioner in compliance of order passed by the Office of Chief of Air Staff, and the said amount is being regularly deducted from salary of the respondent. Moreover, it has also to be borne in mind that the respondent is single-handedly looking

after and is responsible for the welfare of the minor child. Not only does the respondent have to provide for the day-to-day requirements and other living amenities for the minor child, as he has to take care of his schooling and other expenses, but is also responsible for the mental and physical welfare of the child. Admittedly, salary of the respondent is only Rs.60,000/- per month, from which he has to perform all his responsibilities regarding the child, as well as his aged mother.

8. In view of the above facts, no ground is made out to modify order dated 20.12.2022. Present Revision Petition, accordingly, stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

24.05.2023
Sunena

(Nidhi Gupta)
Judge

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