

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO Nos.1397 and 1398 of 2023 (O&M)

Date of Decision: 13.04.2023

Bentu Saini

..... Appellant(s)

Vs.

Jaya

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Sahil Gupta, Advocate for
Mr. Jitender K. Sehrawat, Advocate
for the appellant.

LISA GILL, J.

This order shall dispose of FAO-1397-2023 and FAO-1398-2023.

Present appellant has filed a petition under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the Act), before the learned Family Court, Hisar, wherein a sum of ₹10,000/- per month has been awarded as maintenance pendente lite to the respondent-wife in the application under Section 24 of the Act filed by her therein. FAO-1398-2023 has been filed challenging order dated 19.01.2023, whereby the said amount was granted.

Respondent-wife has filed a petition under Section 13 of the Act. Learned Family Court, Hisar, along with an application under Section 24 of the Act therein as well. Vide order of even date i.e. 19.01.2023, learned Family Court has assessed ₹10,000/- per month as maintenance pendente lite in the said proceedings under Section 13 of the Act, on the basis of order of even date in the application under Section 24 of the Act, in the petition under Section 9 of the Act, filed by the appellant. It is clarified

that the amount as awarded in any other proceedings would be set off qua the said amount. Aggrieved therefrom appellant has filed FAO No.1397 of 2023. Accordingly, both the appeals have been taken up together for hearing and decision with the consent of learned counsel for the appellant.

Learned counsel for the appellant submits that amount of maintenance awarded by the learned Family Court, Hisar is excessive as gross salary of appellant is ₹32,250/- per month and he receives only a sum of ₹29,364/- in hand. He has to look-after his aged parents and his mother suffers from cancer. It is further submitted that in case, notice is issued, there is possibility of an amicable resolution of the entire dispute. It is thus prayed that these appeals be allowed.

We have heard learned counsel for the appellant and have gone through both the files with his assistance.

It is not denied that appellant is working as Canal Guard in the Irrigation Department, Hisar and is in receipt of ₹32,250/- per month as salary. It is duly recorded in order dated 19.01.2023, passed by learned Family Court, Hisar, in the petition under Section 9 of the Act while deciding application under Section 24 of the Act, that appellant has mentioned his general monthly expenses as ₹15,000/-. Respondent-wife is observed to be a house-hold lady having no source of income. After considering affidavits of assets and liabilities, learned Family Court has assessed ₹10,000/- per month, to be paid to the applicant-wife.

Learned counsel for the appellant is unable to point out any illegality, infirmity or perversity in the impugned order dated 19.01.2023, awarding a sum of ₹10,000/- per month to be paid to the respondent-wife.

He is unable to point any material on record to indicate that the respondent-

wife is an employee serving any establishment, as has been argued before us. There is also no document regarding mother of the appellant suffering from cancer or that liability of taking care of her is upon him and neither has any such material, it is informed, been placed before learned Family Court.

In so far as question of exploring the possibility of an amicable resolution of the dispute is concerned, we are of the considered opinion that this exercise can very well be carried out before the learned Family Court, Hisar, where the matters between the parties are pending.

Finding no ground, both these appeals are dismissed.

It is made clear that these observations are only for the purpose of adjudication of present appeals and there is no expression of opinion on the merits of the matter.

Pending miscellaneous applications, if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

13.04.2023
Sunil

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