

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1802-2023(O&M)

Date of decision:-22.3.2023

Sandeep

...Petitioner

Versus

Suman

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Gurmeet Kaur, Advocate
for the petitioner.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 14.2.2023 passed by the Court of Additional Sessions Judge, Charkhi Dadri in case titled 'Suman Versus Sandeep' awarding maintenance pendente-lite @ Rs.5,000/- per month to Suman petitioner, payable by her husband Sandeep and further lump sum amount of Rs.5,500/- to the petitioner as litigation expenses along with Rs.500/- per hearing on getting her presence marked in the Court.

2. Briefly stated, facts of the case are that in a divorce petition filed by petitioner Suman against her husband Sandeep, she had filed an application under Section 24 of the Hindu Marriage Act seeking maintenance pendente lite from her husband Sandeep @ Rs.15,000/- per month besides litigation expenses of Rs.11,000/-. That application was opposed on behalf of the respondent/husband Sandeep. However, the same was allowed by the trial Court vide the impugned order granting

maintenance pendente-lite @ Rs.5,000/- per month to Suman petitioner, payable by her husband Sandeep and lump sum amount of Rs.5,500/- to the petitioner as litigation expenses along with Rs.500/- per hearing on getting marked her presence before the Court.

3. Such order left the respondent/husband aggrieved and he has approached this Court by way of filing the present revision petition

4. I have heard learned counsel for the petitioner besides going through the record.

5. Keeping in view the fact that the respondent is an able bodied person and now a days, even a manual labourer manages to earn Rs.500/- or more per day and further keeping in view the trend of rising prices and that things of basic needs are getting very costly, the maintenance awarded cannot be said to be on higher side. Of course a husband has got a moral and legal liability to maintain his wife unable to maintain herself, even if he is a professional bagger. The respondent/husband could not establish on record that petitioner wife (herein respondent) has got any means of earning or is possessed of sufficient property. Therefore, the trial Court was justified in accepting application under Section 24 of the Hindu Marriage Act and granting maintenance as well as litigation expenses etc. as detailed above.

6. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the

impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

22.3.2023

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No