

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-1632-2022

Date of decision: 04.08.2023

Gurjant Singh

....Petitioner

Versus

Jasvir Kaur

...Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

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

Mr. Naren Pratap Singh, Advocate for the respondent.

AMARJOT BHATTI, J.

The petitioner – Gurjant Singh has filed revision against impugned order dated 11.03.2022 (Annexure P-4) passed by Principal Judge, Family Court, Camp Court, Rajpura vide which application filed by the respondent under Section 24 of Hindu Marriage Act, 1955 has been allowed and the respondent has been granted maintenance *pendent lite* to the tune of Rs.4,000/- per month from the date of application along with litigation expenses.

Learned counsel for the petitioner argued that he had filed a petition under Section 13 of Hindu Marriage Act, 1955 against the respondent for a decree of divorce on the ground of desertion, copy of petition is Annexure P-1. The respondent filed application under Section 24 of Hindu Marriage Act by taking false plea where she stated that he is Mason and is earning Rs.15,000/- to Rs.20,000/- per month. The copy of application is Annexure P-2. The said application was contested by him, where he alleged that he was doing labour work and earning Rs.400/- per

day. The reply is Annexure P-3. The learned Court of Principal Judge,

Family Court observed that a skilled labourer can earn Rs.15,000/- to Rs.20,000/- per month thus wrongly assessed his income and granted maintenance *pendent lite* to the tune of Rs.4,000/- per month along with litigation expenses. The maintenance granted in favour of respondent is towards the higher side. Therefore, considering his profession and income the same is liable to be reduced accordingly.

The civil revision is opposed by counsel for respondent taking the stand that the petitioner has not cleared the arrears of maintenance despite availing several opportunities. The Mediation has also failed. The respondent is taking care of two children. She is residing at the mercy of her parents. The present petition has been filed only to delay the proceedings and to avoid payment of maintenance *pendent lite*. It is prayed that the present civil revision may kindly be dismissed.

I have considered the arguments and have gone through the record. Admittedly Gurjant Singh-petitioner and Jasvir Kaur-respondent are husband and wife. As per the copy of divorce petition (Annexure P-1) they got married on 01.07.2012. It is further not disputed that out of this wedlock, they are having two children i.e. daughter was 09 years old and son was 07 years old at the time of filing application under Section 24 of the Hindu Marriage Act. Both the children are staying with their mother. The present petitioner being husband and father of two children is legally and morally bound to maintain his family. The merits of the case will be seen after recording of evidence. Till then he is liable to pay maintenance to his wife. The learned Principal Judge, Family Court by passing impugned order dated 11.03.2022 has granted Rs.4,000/- per month towards maintenance alongwith litigation expenses. The quantum of maintenance *pendent lite* granted by the Principal Judge, Family Court is

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neither excessive nor unreasonable. Therefore, I do not find any reason to interfere in the impugned order dated 11.03.2022 and the same is accordingly upheld and resultantly the civil revision preferred by the petitioner is dismissed.

04.08.2023
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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