

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CR-6259-2022 (O&M)
Date of decision: 05.01.2023

John Sood

...Petitioner

Versus

Nidhi Sood and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Yashasvi Kapila, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for setting aside the impugned order dated 14.11.2022 (Annexure P-1) passed by learned Principal Judge, Family Court, Kapurthala vide which respondent No.1-wife and the minor son have been granted maintenance of Rs.10,000/- and Rs.20,000/- respectively under Section 24 of the Hindu Marriage Act, 1955.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. Shorn of details, the new contentions raised in the petition and canvassed before me are that the petitioner had bought two properties worth Rs. 60 lacs in the name of the respondent, but she concealed this fact in her affidavit Annexure P-2 but the learned Family Court remained oblivious to this material fact and that in the application of the under section 24 of the Hindu Marriage Act, the respondent/ spouse could claim or be granted maintenance only for herself and not for the child, but the petitioner has been ordered to pay monthly maintenance @ Rs. 20,000/- for the child also.

4. I have considered these submissions but find no merit in them.

5. In affidavit Annexure P-2 it is inter alia averred that her spouse (the petitioner herein) had purchased some properties in the respondent's name but she

13. *Even otherwise, respondent cannot escape of his liability to maintain his destitute wife and child especially when he is well qualified, earning and having all the resources. Thus, the applicants especially the minor child cannot be kept in lurch, especially in the circumstances, when admittedly his grandmother have a huge business concerns and immovable properties with handsome income and father is actually running those concerns and have handsome income. Though, the respondent contended that he is not owner in business concern and is merely an employee there, but this fact does not make out any ground for devoiding the wife and minor child of their basic amenities and education, especially when the husband is enjoying all luxurious amenities and lifestyle. It is pertinent to mention here that the minor child is entitled to the best education and other amenities as per the lifestyle and standard of his father, grandmother and that of other brother. Thus, he is entitled to other basic needs as per the standard of his family.*

14. *As stated above, respondent is running business concern of his mother with good turnover. Respondent is joint in mess and lodging. A child cannot be made to fall prey to the matrimonial discord of his parents, especially when his father and grandparents have handsome earning and luxurious lifestyle, which even the applicants were enjoying while being with respondent. Even applicant wife had a high living standard after her marriage in her matrimonial home. Thus, the respondent is supposed to pay the maintenance to the applicant accordingly. It is pertinent to mention here that living standard of the applicants has to be taken into account while granting maintenance. Reliance to this effect can be placed on the authority of **Abhishek Dubey Vs. Archana Tiwari** of Hon'ble Delhi High Court decided on 15-10-2019 in Crl.Rev.P 944/2019.*

15. *In view of above discussed detailed legal and factual matrix, this Court is of the considered view that applicant wife is entitled to maintenance pendente lite to the tune of 10,000/- while applicant child is entitled to maintenance pendente lite to the tune of 20,000/-, from the date of application moved under Section 24 of the Act. Respondent shall pay litigation expenses to the tune of Rs. 25,000/-. This application stands disposed of and partly allowed*

accordingly. Anything said in this order shall not affect the merits of main petition in any manner.”

8. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this Court.

9. Remaining contentions in the petition have been duly considered and rejected by the learned Family Court giving sound and convincing reasons in the impugned order, more particularly in the part extracted above. I am inclined to agree with the view thereon taken by the learned Family Court.

10. There is thus no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement.

11. Dismissed.

(ARUN MONGA)
JUDGE

January 05, 2023
vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No