

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

118

CRR-F-403-2024(O&M)
Date of order: 18.03.2024

Smt. Neha & Another

.....Petitioner(s)

Vs.

Harshwardhan Singh

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Punit Malik, Advocate
for the petitioners.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 31.01.2024 passed by learned Additional Principal Judge, Family Court, Faridabad whereby respondent/husband has been directed to pay interim maintenance of Rs.5,000/- per month to petitioner No.1/wife “from the date of filing application till next 6 months”; and Rs.5,000/- per month to petitioner No.2/child “from the date of his birth i.e. 04.05.2022 as he was born after separation of parties till the decision of the petition.”

2. Learned counsel for the petitioners inter alia submits that petitioner No.1 was married to the respondent on 20.11.2019. Petitioner No.2 was born out of this wedlock, who is currently in the care and custody of petitioner No.1/wife. It is submitted that respondent/husband is drawing a salary of about Rs.1 lakh per month and therefore, interim maintenance as awarded by learned Family Court is on the lower side.

3. No other argument is made on behalf of the petitioners.
4. I have heard learned counsel for the petitioners and perused the case file in detail.
5. Perusal of record of the case shows that as per the affidavit of assets and liabilities submitted by the respondent before the learned Family Court (Annexure P1), monthly income of the respondent was Rs.42,966/- per month. When confronted with this, learned counsel for the petitioners has submitted that this is the in-hand/take-home pay of the respondent but no proof to substantiate the same was attached by the respondent before the learned Family Court. When it is pointed out to learned counsel for the petitioners that salary slip of the respondent for January, 2023 was duly attached therewith, learned counsel for the petitioners has no reply. Moreover, it has come on record that petitioner No.1 is a qualified MBA, however, she has stated that she is not working.
6. At this stage, reference may made to judgment of the Karnataka High Court in **Smt. Shilpashree J. M. Vs. Gurumanjunatha A.S., 2023 SCC OnLine Kar 36**, wherein it has been held as under:-

“8. The records also disclosed that before marriage petitioner No.1 was working as is evident from her cross examination. Her cross examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to

stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband".

(Emphasis supplied)

7. In these circumstances, reference may also be made to judgment of High Court of Delhi in “**Anju & Anr. Vs. Rinku Dahiya**” Law Finder Doc ID # 2349279, wherein it has been held as under:-

“11. We observe that in the present case, where both the spouses are equally qualified and are earning equally, interim maintenance cannot be granted to the wife under Section 24 of the Act. The object of Section 24 of the Act is to ensure that during the matrimonial proceedings under HMA either party should not be handicapped and suffer any financial disability to litigate only because of paucity of source of income. The provision for interim/pendent lite maintenance has been made only to help either spouse to sail through the litigation expenses and also to ensure that they are able to live comfortably. The proceedings under Section 24 of the Act are not intended to equalize the income of both the spouses or to give an interim maintenance which is commensurate to maintain a similar life style as the other spouse as has been observed by this Court in the case of K.N. V. R.G MAT. APP.(FC) 93/2018 decided on 12.02.2019.”

8. Learned counsel for the petitioners is unable to controvert the above said factual and legal position.
9. In view of the above, I find no merit in the present petition and the same is accordingly **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

18.03.2024			(Nidhi Gupta)
Sunena			Judge
Whether speaking/reasoned		Yes/No	
Whether reportable		Yes/No	