

2024:PHHC:094678



131 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4115-2024 (O&M)
Decided on:-25.07.2024

Prince BhanotPetitioner..

vs.

Anjali SharmaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Suran Singh Rana, Advocate,
for the petitioner.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition filed under Article 227 of the Constitution of India, challenge has been laid to an order dated 24.05.2024 (Annexure P-1) passed by the Court of Principal Judge, Family Court, Rupnagar, whereby, an interim maintenance @ Rs.10,000/- per month was ordered in favour of respondent-wife being payable by the petitioner-husband.
2. Briefly stating, on account of matrimonial discord between the parties, the petitioner-husband filed a petition under Section 13(1) (ib) of the Hindu Marriage Act, 1955 (for short, “1955 Act”), for dissolution of marriage by way of decree of divorce.
3. In the aforesaid petition, upon appearance, the respondent-wife

moved an application under Section 24 of the 1955 Act, seeking interim maintenance *pendente lite* to the tune of Rs.15,000/- per month.

4. The trial Court vide order dated 24.05.2024, granted maintenance @ Rs.10,000/- per month as interim arrangement in favour of respondent-wife.

5. Impugning the aforesaid order dated 24.05.2024, learned counsel for the petitioner submits that at present the petitioner is jobless and is dependent upon the pensionary benefits of his father, whereas, the respondent-wife is working as professional Nurse on contract basis in Civil Hospital, Una, getting salary of Rs.15,000/- per month, thus, the interim maintenance granted by the Trial Court in her favour is highly excessive. In support of his contention, learned counsel placed reliance upon judgment of this Court passed in ***“Rajni vs. Rajbir Singh” 2018(5) RCR (Civil)798*** as well as judgment of Allahabad High Court passed in ***“Geeta Devi vs. Sushil Kumar Yadav”, 2021(225)AIC 928.***

6. I have heard learned counsel for the petitioner and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

7. Perusal of record shows that the petitioner-husband being an able-bodied and well educated man having professional degree of B.Tech (Mechanical Engineer), is fully capable to work and even earn his livelihood and therefore, cannot raise the plea about his unemployment. Furthermore, undisputedly, the father of the petitioner is retired from Govt. job and is a pensioner, in such circumstances, the petitioner even does not have to share any financial burden towards his parents, thus, no illegality or perversity can

be found in the order passed by the Court below while awarding interim maintenance @ Rs.10,000/- per month in favour of respondent-wife. More than that, the maintenance fixed by the trial Court vide impugned order dated 24.05.2024 is merely an interim arrangement and shall always be subject to final outcome of the application filed by the respondent-wife, in terms of Section 24 of the 1955 Act, based on the affidavits and the evidence led by the respective parties and the same shall always regulate and overrule the interim maintenance.

8. Furthermore, from the affidavit of the petitioner-husband which has been made part of the present revision petition, it can be seen that the case put forth on his behalf of he being un-employed does not appear to be genuine. In the affidavit, it has been stated that the petitioner-husband has been residing with his father, who is even providing him Rs.3000/- per month towards his expenditure. Contrarily, in the same affidavit, it also finds mention that the petitioner is paying monthly installment of Rs.8000/-, whereas no explanation whatsoever has been provided as to from where he is discharging the said liability. This only shows that the petitioner is himself employed/earning his livelihood as commensurate with his education. Thus, in such circumstances, while considering the capacity of the petitioner-husband to pay and also the background and status of the parties, no interference is called for with the impugned order, awarding Rs.10,000/- per month as interim maintenance in favour of respondent-wife.

In the given facts and circumstances, the judgments cited on behalf of the petitioner are not applicable as mere fact that the wife is educated and earning cannot be made bar to award maintenance in her

favour.

9. Accordingly, in view of the discussion made herein-above, the present petition is dismissed.

10. Pending application, if any, also stands disposed of.

25.07.2024

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(HARKESH MANUJA)
JUDGE

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