



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4666-2024

Date of Decision: -21.08.2024

UPINDERJIT SINGH TOKI

.... PETITIONER

Vs.

DALJIT KAUR

.... RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present:- Mr. Dhruv Gupta, Advocate, for the petitioner.

DEEPAK GUPTA, J.

In petition under Section 13 of the Hindu Marriage Act, 1955 [for short 'the Act'] for dissolution of the marriage filed by wife Daljit Kaur (*respondent herein*) against husband Upinderjit Singh Toki (*petitioner herein*), an application under Section 24 of the Act was moved for interim maintenance. By way of the impugned order dated 06.03.2024 (*Annexure P1*), learned Principal judge, Family Court, Ludhiana allowed interim maintenance @ ₹3,000/- per month to the wife and ₹2000/- per month each to the two minor children. Apart from this, the husband was also directed to pay ₹4000/- as litigation expenses.

2. Assailing the aforesaid order, it is contended by Id. counsel for the husband (*petitioner herein*) that as per the affidavit of Asset and Liabilities filed by the husband (*Annexure P8*) before the Family Court, he had the monthly expenses of ₹10,000/-, which he was bearing with the help of relatives and friends and that he was earning nothing. On the other hand, the wife, as per her affidavit (*Annexure P6*) was an educated lady being B.A. B.Ed. and so, was capable of earning.

3. After hearing Id. counsel for the petitioner and after perusing the impugned order, this Court does not find any merit in this petition.

4. No doubt that petitioner-husband, as per his affidavit is not earning anything, but as observed by Id. family Court in the impugned order, he is an ably bodied person and as per the affidavit of the wife, he was doing the work of repair of Photostat machines with monthly income of ₹20,000/-. Even if, it be assumed that petitioner (*husband*) is not earning ₹20,000/- per month, as was contended by the wife, considering the fact that he is ably bodied person, it is his moral as well as legal obligation to provide interim maintenance to the wife as well as the two minor

children. The affidavit of the wife also reveals that both the children are school going being aged 15 & 10 years respectively. In now a days, when prices are soaring high, an amount of ₹3000/- per month for the wife and ₹2000/- per month each for the two minor school going children, cannot in any circumstances, considered to be excessive.

5. No merit. Dismissed.

21.08.2024

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No