



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Civil Revision No. 4057 of 2024 (O&M)  
Date of Decision: 22.07.2024

Manpreet Singh  
..... Petitioner

Versus

Baljinder Kaur  
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Vasundhara Dalal Anand, Legal Aid Counsel (HCLSC)  
for the petitioner-husband.

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HARKESH MANUJA, J. (ORAL)

CM-12216-CII-2024

Application is **allowed**, as prayed for, subject to all just exceptions. The documents, as sought for, are taken on record as Annexures P-1 to P-7 and exemption from filing the certified copies thereof is granted.

MAIN CASE

The petitioner-husband, by way of present revision petition, seeks setting aside of an order dated 05.11.2019 passed by the learned Additional District Judge, Rupnagar (**for short “Family Court”**), whereby while disposing off an application under Section 24 of the Hindu Marriage Act, 1955 (**hereinafter to be called as “the Act”**), filed at the instance of respondent-wife, interim maintenance *pendente lite* @ Rs. 7000/- per month was granted in her favour.

[2] In the present case, on account of matrimonial discord between the parties, a petition under Section 9 of the Act for restitution of

conjugal rights was instituted on 23.12.2016 at the instance of petitioner. Upon appearance, the respondent moved an application dated 13.02.2017 under Section 24 of the Act seeking interim maintenance in her favour. Later, the petition under Section 9 of the Act was withdrawn by the petitioner-husband. Upon adjudication of the application under Section 24 of the Act, filed at the instance of respondent-wife, the Family Court vide its order dated 05.11.2019 granted interim maintenance in her favour @ Rs.7000/- per month.

**[3]** Impugning the aforesaid order dated 05.11.2019, learned counsel for the petitioner submits that once the petition under Section 9 of the Act, filed at his instance, stood withdrawn on 11.12.2017, no further adjudication upon the application, filed under Section 24 of the Act at the instance of respondent-wife, was called for by the Family Court. She further submits that the respondent-wife was working as Assistant Care Attendant with a private company and was earning handsome salary, this fact was never brought to the notice of the Family Court and thus, the impugned order was liable to be set aside.

**[4]** After hearing learned counsel for petitioner and having gone through the paper-book, I am unable to find substance in the submissions made on behalf of the petitioner.

**[5]** In the present case, the impugned order was passed on 05.11.2019, whereas no challenge thereto was made for a long period of more than four and half (4½) years. The present petition has been filed without explaining the circumstances towards delay and laches on the part of petitioner in approaching this Court. Moreover, in the humble opinion of

this Court, even if the main petition under Section 9 of the Act stood withdrawn at the instance of petitioner on 11.12.2017, yet the application under Section 24 of the Act moved at the instance of respondent-wife, filed on 13.02.2017 required adjudication *qua* grant of interim maintenance for the period during which the proceedings under Section 9 of the Act were pending i.e. from filing of the application under Section 24 of the Act, till the final disposal / withdrawn of the main petition under Section 9 thereof. This can be deciphered from the language used by the Legislature while enacting Section 24 of the Act, which is re-produced hereunder:-

***“Section 24. Maintenance pendente lite and expenses of proceedings.-***

*Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable:*

*Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be. ”*

Be that as it may, the petitioner-husband cannot be permitted to defeat and nullify the rights to receive interim maintenance, already

accrued in favour of respondent-wife upon filing of application under Section 24 of the Act during pendency of the petition under Section 9 thereof, with its subsequent withdrawal, particularly for the period, the main petition remained pending adjudication. By allowing so, the petitioner-husband in a way would be granted undue advantage merely on account of withdrawal of main petition. More importantly, the cause of action to receive interim maintenance in favour of respondent-wife accrued on the date of filing of the application under Section 24 of the Act, whereas the adjudication thereupon is the part of duty of the Court concerned and thus, for any delay in the said process, the respondent-wife cannot be made to suffer by keeping her to a disadvantageous position.

[6] Furthermore, no merits can be found in the submissions made on behalf of the petitioner-husband that the respondent-wife was employed as Assistant Care Attendant with a private firm and thus, was not entitled for interim maintenance as the documents relied upon in this regard, appended as Annexure P-6, relate to the period between February 2019 to March 2020, whereas the dispute *qua* the determination of interim maintenance, in the present revision relates to the period between February 2017 to December 2017 and thus, the document as Annexure P-6 has no bearing on the adjudication of the present revision petition. Besides it, the document (Annexure P-6) needs to be proved as per law of evidence as and when relied upon by the petitioner-husband in further proceedings.

[7] Accordingly, in view of the discussion made hereinabove, the impugned order dated 05.11.2019 passed by the Family Court is modified to the extent that the maintenance *pendente lite* granted in favour of

respondent-wife shall be enforceable for the period from the date of filing of the application under Section 24 of the Act till the withdrawal of the main petition filed under Section 9 thereof.

[8]                      Consequently, the present petition is **disposed off**.

[9]                      It is made clear that the present petition is being disposed off without issuance of notice upon respondent-wife, so as to avoid any uncalled for financial implication towards litigation expenses upon her, however, she would be at liberty to approach this Court, in case she finds any mis-statement of fact in the present proceedings.

[10]                    Pending miscellaneous application(s), if any, shall also stand disposed off.

**July 22, 2024**  
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**( HARKESH MANUJA )**  
**JUDGE**

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |