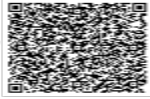


2024:PHHC:116144-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4189-2024 (O&M)
Date of decision: 04.09.2024

PARDEEP CHOPRA

...Appellant

Versus

SEEMA RANI

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Namit Gautam, Advocate for appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 02.07.2024, passed by the learned Principal Judge, Family Camp Court, Malerkotla (for short the 'Family Court'), whereby an application under Section 24 of the Hindu Marriage Act (for short 'the Act'), filed by the respondent-wife was allowed and the appellant-husband was directed to pay an amount of Rs.10,000/- per month as *pendent lite* maintenance to the respondent-wife during the pendency of the petition under Section 13 of the Act, from the date of the filing of the application, besides making payment of Rs.5,000/- as litigation expenses to the respondent-wife.

2. In a petition under Section 13 filed by the appellant-husband, the respondent-wife had filed the aforesaid application,

seeking grant of maintenance *pendent lite* of Rs.20,000/- per month and a sum of Rs.22,000/- as litigation expenses, during the pendency of the said petition. It was further asserted that the appellant-husband was earning more than Rs.1.00 lakh per month besides having sufficient bank balance. The appellant-husband filed reply to the said application admitting the factum of marriage between the parties, but stated that the parents of the respondent-wife had concealed the fact that she had been suffering from epilepsy for the last 5-6 years prior to the marriage. It was further asserted that the respondent-wife was doing a job as a Private School Teacher and earning an amount of Rs.20,000/- per month. It was admitted by the appellant-husband that he was doing a job in a paper mill and earning Rs.35,453/- per month.

3. The learned Family Court found that whereas as per the own version of the appellant-husband, he was earning Rs.35,453/- per month, there was nothing on record to indicate that the respondent-wife was having any source of income or was owner of any movable or immovable property so as to maintain herself. It was further found that she was residing separately from the appellant-husband and there was nothing on record to indicate that the appellant-husband was bearing the expenses towards her maintenance. Accordingly, the application filed by the respondent-wife was allowed, as noticed above.

4. Learned counsel for the appellant vehemently argues that while passing the impugned order, the learned Family Court did not take into consideration that the respondent-wife is doing a job of a

teacher in a private school and earning Rs.20,000/- per month. It is further submitted that though the monthly income of the appellant-husband to the extent of Rs.35,453/- was admitted by him, yet it was also placed on record that the expenses being borne by the appellant-husband, are to the tune of Rs.34,477/- per month besides other liabilities. It is, thus, contended that the learned Family Court, while passing the impugned order did not take into consideration the said vital aspects of the matter.

5. After hearing the learned counsel for the appellant, we do not find any illegality or perversity in the impugned order passed by the learned Family Court.

6. As has been noticed by the learned Family Court, it was admitted by the appellant-husband that he was earning a sum of Rs.35453/- per month. It was further found that the respondent-wife did not have any source of income. Thus, keeping in view the said fact, an amount of Rs.10,000/- per month awarded as *pendent lite* maintenance, cannot be said to be either unjustified or on the higher side. As respondent-wife was found to be not having any source of income, she, being the legally wedded wife of the appellant, is entitled to be maintained by him.

7. No other point has been urged.

8. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

9. Pending application(s), if any, shall also stand disposed of.

10. At this stage, learned counsel for the appellant submits that the appellant may be granted liberty to move an application for review of the impugned order before the learned Family Court. Considering the said prayer, it is observed that the appellant would be at liberty to move an application for review of the impugned order, if so desired, within a period of six weeks.

[SUDHIR SINGH]
JUDGE

[JASJIT SINGH BEDI]
JUDGE

04.09.2024
Himanshu

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