

2024:PHHC:117730-DB



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4223-2024 (O&M)

Date of decision: September 09, 2024

Vikas Gill

....Appellant

versus

Neetika

....Respondent

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

Present:- Mr. R.N. Lohan, Advocate for the appellant.

Mr. Manjeet Singh, Advocate,
Mr. Dhruv Sheoran, Advocate and
Mr. Suresh Nain, Advocate for the respondent/caveator.

SUDHIR SINGH, J. (ORAL)

Challenge in the present appeal is to the order dated 08.08.2024 passed by the learned Principal Judge, Family Court, Jind (for short 'Family Court'), whereby, an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent-wife, has been allowed and she has been awarded a sum of Rs.30,000/- per month as maintenance *pendent lite*, besides litigation expenses of Rs.40,000/-.

2. In a petition under Section 13 of the Act, filed by the appellant-husband, the respondent-wife had filed the aforesaid application, inter-alia, averring that the respondent-husband had neglected her and the minor son of the parties. It was further stated that an amount of Rs.23,000/- was awarded by the Judicial Magistrate Ist Class, under Section 12 of the

Protection of Women from Domestic Violence Act, 2005 against which an appeal has been filed. It was further asserted that the minor child was attending the School and besides that he had also been suffering from various ailments since his birth. It was further pointed out that the appellant-husband was working in Steel Authority of India Limited at Delhi and getting a salary of Rs.1,25,000/- per month and that 4 acres agricultural land owned by him, was transferred by him in the name of his mother. The appellant filed reply to the said application by averring that the respondent-wife was earning Rs.47,000/- per month while working as Ayurvedic Medical Officer, Health Department, Uchana. It was denied that the appellant was drawing monthly salary of Rs.1,25,000/-.

3. The learned Family Court, after taking into consideration the monthly salary of the appellant-husband as Rs.1,22,234/- and the heavy entries made in his bank statement account and the monthly salary of the respondent-wife as Rs.63,000/-, has allowed the application filed by the respondent-wife, as noticed above.

4. Learned counsel appearing for the appellant-husband has vehemently argued that once it was established on record that the respondent-wife has been earning a monthly salary of Rs.63,000/-, there was no occasion for the learned Family Court to award the maintenance *pendete lite* @ Rs.30,000/- per month. It is further argued while passing the impugned order, the learned Family Court, has failed to consider the amount of Rs.23,000/- (Rs.15,000/- for the respondent-wife and Rs.8,000/- for the minor) awarded in the proceedings under the Protection of Women from Domestic Violence Act. Thus, a prayer has been made to set aside the impugned order.

5. On the other hand, learned counsel appearing for the respondent-wife/Caveator, submits the learned Family Court has rightly awarded the maintenance *pendete lite* to the respondent-wife @ Rs.30,000/- p.m. It is further asserted that so far as the maintenance amount awarded under the Protection of Women from Domestic Violence Act, 2005 is concerned, the appellant-husband has filed revision against the said order, wherein directions have been issued to him to continue paying 50% of the maintenance amount. It is yet further submitted that the respondent-wife has to meet out the expenses of the minor child, his school fee and the medical expenses incurred on his treatment.

6. We have heard the learned counsel for the parties and have also gone through the impugned order.

7. The factum of marriage and birth of the child is not disputed. From the salary slip produced by the appellant-husband, it was found by the learned Family Court that the appellant was drawing salary of Rs.1,22,234/- in the year 2022 and besides that there had been heavy entries in his bank statement of account. The amount being paid under the Protection of Women from Domestic Violence Act, was found to be meager and accordingly, the appellant-wife was held entitled to an amount of Rs.30,000/- per month, as maintenance *pendete lite*.

8. We do not find any substance in the argument of the learned counsel for the appellant-husband that the amount being paid in the proceedings under the Protection of Women from Domestic Violence Act, has not been adjusted. As noticed above, the said proceedings are still pending as CR-2664-2024 before this Court, wherein while issuing notice of motion, it was directed by the learned Single Judge that the appellant-

husband shall continue to pay 50% of the maintenance amount due every month. Thus, it is apparent that the order granting maintenance under the aforesaid Protection of Women from Domestic Violence Act, has not attained finality yet.

- 9. No other point has been urged.
- 10. In view of the above, we do not find any illegality in the impugned order, which may warrant any interference by this Court.
- 11. Hence, the present appeal is dismissed.
- 12. Pending application(s), if any, shall stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

September 09, 2024
mahavir

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