

2024:PHHC:122013-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-4371-2024 (O&M)

Date of decision: 13.09.2024

KAMALPREET SINGH

...Appellant

Versus

RUPINDER KAUR

...Respondent

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

Present:- Mr. Brajesh Kumar Kaundal, Advocate for appellant.

SUDHIR SINGH, J.

CM-16062-CII-2024

For the reasons given in the application, the same is allowed and delay of 23 days in filing the appeal is condoned, subject to all just exceptions.

FAO-4371-2024

Challenge in the present appeal is to the order dated 22.03.2024 passed by the Learned Additional Principal Judge, Family Court, Jalandhar (for short 'the Family Court'), vide which an application under Section 24 filed by the respondent-wife, has been allowed and the appellant-husband has been directed to pay the respondent-wife maintenance at the rate of Rs.50,000/- per month from the date of filing of the application along with one time litigation expenses to the tune of Rs.3000/-.

2. In the divorce petition filed by the appellant-husband, the respondent-wife had filed the aforesaid application contending that she was a legally wedded wife of the appellant-husband but no child was born out of the said wedlock. It was further averred that she did not have any source of income and that earlier the appellant-husband was sending her Rs.70,000/- per month, but he had not sent any money to her for a long time. It was further asserted that the appellant-husband was/is living in USA and while working as a truck driver, he was earning a sum of Rs.5,00,000/- per month. Besides this, he was also having movable/immovable properties to his name. Still further, it was asserted that the respondent-wife had filed a petition under Section 125 Cr.P.C., which was pending in the Court. Accordingly, she has claimed an amount of Rs.70,000/- per month as maintenance *pendent lite* and Rs.20,000/- as counsel fee.

3. The appellant-husband filed reply to the said application denying the allegations contained in the said application as regards the income. It was asserted that the respondent-wife had been putting pressure upon the appellant-husband to secure a spouse visa for her and her family and she had openly told that if the appellant-husband could not arrange for the said visa, he should pay her Rs.50,00,000/- as a consideration for the marriage. It was yet further asserted that she had also threatened the appellant-husband to commit suicide in case her demand was not met. It was further denied that the appellant-husband had been previously sending any amount of maintenance to the respondent-wife.

4. The learned Family Court, after taking into consideration the rival contentions of the parties and the material evidence on record, has awarded a sum of Rs.50,000/- per month as maintenance *pendent lite* to the respondent-wife besides a sum of Rs.3000/- as litigation expenses, as noticed above.

5. Learned counsel appearing for the appellant-husband has vehemently contended that the only purpose of the respondent-wife by marrying the appellant-husband was to migrate to USA. It is further argued that the respondent-wife had been putting pressure upon the appellant-husband and had also issued threats of committing suicide if an amount of Rs.50,00,000/- was not sent to him. It is further argued that the respondent-wife is living a luxurious life and was having extra-marital relations. It is yet further argued that the amount of maintenance of Rs.50,000/- awarded by the learned Family Court, is very much on the higher side and the appellant-husband is not able to pay the same.

6. We have heard learned counsel for the appellant-husband and have also gone through the impugned order passed by the Family Court.

7. It was found by the learned Family Court that as per his own affidavit of income, assets and liabilities, the appellant-husband had disclosed his income as 5200.00 to 5800.00 Dollars per month i.e. Rs.4,34,000/- to Rs.4,84,000/- per month. It was, thus, found that the respondent-wife, who had no source of income was entitled to the maintenance at the rate of Rs.50,000/- per month.

8. Once as per his own declaration before the learned Family Court, the income of the appellant-husband was found to be Rs.4,34,000/- to Rs.4,84,000/- per month, we do not find that the maintenance amount awarded by the learned Family Court, is on the higher side. The appellant-husband is working as a truck driver in USA and in view of his aforesaid income he cannot be heard saying that he is unable to pay the maintenance amount.

9. In view of the above, we do not find any illegality or perversity in the findings recorded by the learned Family Court.

10. No other point has been urged.

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

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

[SUDHIR SINGH]
JUDGE

[JASJIT SINGH BEDI]
JUDGE

13.09.2024
Himanshu

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