

2024.PHHC.122026-DB



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

FAO-4367-2024 (O&M)

Date of decision: 13.09.2024

TARMINDER SINGH

...Appellant

Versus

JOLLY SAGGU

...Respondent

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

Present:- Ms. Dhanika S. Bector, Advocate for appellant.

SUDHIR SINGH, J.

CM-16039-CII-2024

For the reasons given in the application, the same is allowed and delay of 11 days in filing the appeal is condoned, subject to all just exceptions.

FAO-4367-2024

Challenge in the present appeal is to the order dated 08.05.2024 passed by the Learned Principal Judge, Family Court, Patiala (for short 'the Family Court'), whereby an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act'), filed by the respondent-wife was allowed and the appellant-husband was directed to pay a sum of Rs.8000/- per month to the respondent-wife (wrongly mentioned in the impugned order as Prabhleen Kaur instead of Jolly Saggu).

2. In a petition filed by the appellant-husband under Section 9 of the Act, the respondent-wife had filed an application under Section 24 of the Act for interim maintenance. It was asserted by the respondent-wife that her marriage with the appellant-husband was solemnized on 07.12.2015, according to Sikh rites and out of the said wedlock a female child was born. It was further alleged that the appellant-husband had deserted her and the minor child and that the respondent-wife had no source of income to maintain herself and the minor child. It was further asserted that the appellant-husband was working with Kapsons and earning a monthly salary of Rs.40,000/-. It was, thus, alleged that the respondent-wife required maintenance of Rs.15,000/- per month i.e. Rs.10,000/- for herself and Rs.5000/- for the minor child. Besides, she had also claimed an amount of Rs.25,000/- as litigation expenses.

3. The appellant-husband had filed reply to the said application. The factum of marriage and birth of child was admitted, but it was asserted that the respondent-wife was well educated and was earning Rs.50,000/- per month while working in Idea Telecommunication, whereas he himself was earning Rs.17,000/- per month. It was further asserted by him that he was paying Rs.12,000/- per month as monthly expenses besides paying loan installments. It was further pointed out that he had opened an account under Sukanya Samridhi Yojna for their daughter and was depositing Rs.12,000/- per annum in the said account.

4. Based on the rival contentions of the parties, the learned Family Court has allowed the application filed by the respondent-wife, as noticed above.

5. Learned counsel for the appellant has submitted that the learned Family Court, has failed to take into consideration that the respondent-wife is earning an amount Rs.50,000/- per month while working in Idea Telecommunication at Ludhiana. It is further submitted that the respondent-wife is not entitled to any maintenance as she had left the company of the appellant-husband without any justified ground, which had led to the filing of the petition under Section 9 of the Act by the appellant-husband. It is yet further submitted that the appellant-husband is earning Rs.17,000/- per month and, therefore, the amount awarded as maintenance is very much on the higher side.

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

7. It was found by the learned Family Court that as per the affidavit of the appellant-husband regarding his income, assets and liabilities, his basic salary for the month of May, 2017 was Rs.17,402.50/- and gross salary as Rs.20,308/-. However, it was found that the appellant-husband withheld the salary slip for the relevant period and, thus, it was found that if he had been getting a monthly salary of Rs.20,000/- in the year 2017, then he must be drawing the salary of Rs.30,000/- per month in the year 2022. Hence, the salary of

the appellant-husband was taken to be Rs.30,000/- per month and the maintenance of Rs.8000/- per month was awarded to the respondent-wife.

8. Even before this Court, the learned counsel appearing for the appellant-husband was not able to point out as to why the appellant-husband had withheld his salary slip for the relevant period. He could not further point out the exact salary of the appellant-husband in the year 2022, when the application was filed or as on date. We find that in the rise of the price index, the amount of Rs.8000/- awarded as maintenance *pendente lite* to the respondent-wife, cannot be said to be on the higher side. Thus, we do not find any illegality or perversity in the findings recorded by the learned Family Court.

9. No other point has been urged.

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

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

[SUDHIR SINGH]
JUDGE

[JASJIT SINGH BEDI]
JUDGE

13.09.2024
Himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No