

2024:PHHC:125251-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4430-2024 (O&M)
Date of decision: 19.09.2024

AKSHAY MEHTA

...Appellant

Versus

TEENA

...Respondent

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

Present:- Mr. C.S. Jattana, Advocate for appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to order dated 01.07.2024 passed by the learned Principal Judge, Family Court, Ludhiana (hereinafter referred to as 'the 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 held entitled to the maintenance *pendent lite* at the rate of Rs.8000/- per month besides an amount of Rs.8000/- as litigation expenses.

2. In a petition under Section 13 of the Hindu Marriage Act (hereinafter referred as 'the Act') filed by the appellant-husband, the respondent-wife had filed the aforesaid application contending therein that she was a legally wedded wife of the appellant-husband and that

the appellant-husband neglected and refused to maintain her. It was further contended that she was not having any source of income. On the other hand, the appellant-husband was running a mobile shop and doing the finance business and earning Rs.40,000/- per month. The appellant-husband had filed reply to the said application contending that he was earning Rs.10,000/- per month and that the minor child of the parties was under the care and custody of the appellant-husband.

3. The learned Family Court, on the basis of the affidavits of income, assets and liabilities filed by both the parties, found that whereas the respondent-wife had no source of income, the appellant-husband was earning Rs.15,000/- per month. It was further found that the statement of the bank account of the appellant-husband for the month of January, 2022 showed an amount of more than Rs.1 lakh. It was further found that in February, 2022, the credit entries in his account were Rs.40,000/-. Thus, it was found that the appellant-husband was earning Rs.30,000/- to Rs.40,000/- per month and, therefore, the respondent-wife was held entitled to the maintenance *pendent lite* and litigation expenses as indicated above.

4. Learned counsel for the appellant-husband has vehemently argued that once in the affidavits of the income, assets and liabilities the appellant-husband has pleaded that he was earning Rs.15,000/- per month, the learned Family Court, was not justified in awarding the maintenance *pendent lite* as indicated above. It is further contended that the maintenance amount awarded by the learned Family Court, is on the higher side and the same is liable to be modified, accordingly.

5. We have heard learned counsel for the appellant and have also gone through the impugned order passed by the learned Family Court.
6. Though it was the stand of the appellant-husband that he was earning Rs.15,000/- per month, yet on the basis of the entries in the bank record, the learned Family Court has assessed the income of the appellant-husband between Rs.30,000/- and 40,000/- per month. The learned counsel appearing for the appellant could not dispute the aforesaid entries in the bank record.
7. In view of the above, we do not find any illegality in the impugned order so as to warrant interference by this Court in the present appeal.
8. No other point has been urged.
9. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.
10. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[JASJIT SINGH BEDI]
JUDGE

19.09.2024
Himanshu

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