

2024-PHHC-125243-DB



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

FAO-4455-2024 (O&M)**Date of decision: 19.09.2024**

MOHNEET KAUR

...Appellant

Versus

RICKY VERMA

...Respondent

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

Present:- Mr. Sushil Saini, Advocate for appellant.

SUDHIR SINGH, J.

CM-16426-CII-2024

For the reasons given in the application, the same is allowed and the delay of 25 days in filing the appeal is condoned, subject to all just exceptions.

FAO-4455-2024

Challenge in the present appeal is to order dated 06.05.2024 passed by the learned Principal Judge, Family Court, Bathinda (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 appellant-wife, was allowed and she was held entitled to the maintenance *pendent lite* at the rate of Rs.4000/- per month for herself and Rs.1500/- per month each for the minor children besides, litigation expenses of Rs.5000/-.

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

application for grant of maintenance *pendent lite* to herself @ Rs.60,000/- per month and litigation expenses of Rs.22000/-. It was pleaded therein that she was legally wedded wife of the respondent-husband and out of the said wedlock two minor children namely, Rushal Verma and Vrishiti were born. It was further stated by the appellant-wife that the respondent-husband was running a goldsmith shop under the name and style of M/s Shri Jagdish Jewelar at Moonak and earning Rs.1.50 lakh per month. Besides, the respondent-husband and his father were also owner of more than 8 acres of agricultural land and they were having sufficient income from the same.

3. The respondent-husband contested the said application by pleading that the appellant-wife withdrew from his society on 11.10.2021 by taking along all the gold ornaments. It was further stated that the respondent-husband was working as an employee in M/s Shri Jagdish Jewelar at Moonak and earning Rs.15,000/- per month and except that, he had no source of income.

4. The learned Family Court has found that there was no documents/evidence on record with regard to the income of the husband or him possessing any movable or immovable property. Thus, while awarding the maintenance *pendete lite*, as indicated above, the monthly income of the respondent-husband was taken to be Rs.15,000/- per month.

5. Learned counsel for the appellant-wife has contended that award of the amount of Rs.4000/- per month to the appellant-wife and Rs.1500/- each to both the children, is very meager amount and, therefore, the impugned order passed by the learned Family Court is

required to be modified so as to enhance the said amount as prayed for in the application under Section 24 of the Act filed by the appellant-wife.

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

7. A perusal of the impugned order would show that the learned Family Court has found that there was no evidence or material on record to indicate the income of the respondent-husband. On a query put to the learned counsel for the appellant-wife, it could not be pointed out that there was any material or evidence on record except the self admission of the respondent-husband as regards his monthly income.

8. In view of the above, we do not find any illegality in the impugned order so as to warrant any interference by this 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

19.09.2024
Himanshu

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