

2024.PHHC.125246-DE



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

FAO-4480-2024 (O&M)

Date of decision: 20.09.2024

SATENDER

...Appellant

Versus

KOMAL RANI

...Respondent

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

Present:- Mr. Baljeet Beniwal, Advocate for appellant.

SUDHIR SINGH, J.

CM-16546-CII-2024

For the reasons given in the application, the same is allowed and the delay of 283 days in filing the appeal is condoned, subject to all just exceptions.

FAO-4480-2024

Challenge in the present appeal is to order dated 02.11.2023 passed by the learned Principal Judge, Family Court, Jhajjar, Camp Court, Bahadurgarh (hereinafter referred as to '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.7000/- per month besides an amount of Rs.5500/- as litigation expenses.

2. In a petition divorce petition, filed by the respondent-wife, she had also filed the aforesaid application contending that she was the legally wedded wife of the appellant-husband; that she was not having any source of income; that her husband was running a Grocery Shop besides being in the Real Estate business and that he also owned 6 acres agricultural land and was fetching an income of Rs.50,000/- per month from all the aforesaid sources. The said application was contested by the appellant-husband disputing his income as alleged by the respondent-wife and it was pleaded that he was unemployed.

3. The parties filed affidavits as regards their income, assets and liabilities. The respondent-wife had disclosed that she was J.B.T. B.Ed and was also pursuing the Post Graduation, but had no source of income. On the other hand, the appellant-husband disclosed his qualification as B.A., J.B.T., but stated that he was earning an amount of Rs.10,000/- per month. The learned Family Court, has observed that even a daily wagers manages to fetch Rs.14,000/- to Rs.16,000/- per month, if not more than that. It was further found that the appellant-husband had though disclosed himself to be an agriculturist, yet he did not disclose the agricultural land owned by him. It was, thus, found that taking into account the educational qualification of the appellant-husband, his income could be taken as Rs.30,000/- to Rs.35,000/- per month. At the same time it was also observed that as the respondent-wife was also having qualification of J.B.T., B.Ed, she could also fetch her livelihood, though to some extent.

4. Learned counsel for the appellant-husband contends that the income of the appellant-husband assessed by the learned Family Court, is very much on the higher side, especially when there was no material on record to indicate that the appellant-husband was earning between Rs.30,000/- to Rs.35,000/- per month. Hence, a prayer is made for setting aside of the impugned order.

5. We have heard learned counsel for the appellant-wife and have also gone through the impugned order passed by the learned Family Court. We do not find any merit in the present appeal.

6. As would emerge from the order passed by the learned Family Court, the appellant-husband though had disclosed himself to be agriculturist, yet he did not disclose the land holding by him as also the income generated therefrom. Based on the educational qualification of both the parties and further taking into consideration the admitted fact by the appellant-husband that he is an agriculturist, the assessment of the monthly income of the appellant-husband as Rs.30,000/- to Rs.35,000/- per month, could not be said to be on the higher side. Still further, it could not be shown that the respondent-wife is employed or has any source of income. In view of the said fact, no fault could not be found with the impugned order passed by the learned Family Court.

7. At this stage, learned counsel appearing for the appellant-husband submits that if the matter is referred to the Mediation & Conciliation Centre of this Court, there may be chances for an amicable settlement.

8. As the divorce proceedings are pending before the learned Family Court, it would be open to the parties, if so advised, to seek the reference of the dispute to the Mediation & Conciliation Centre at the learned Family Court level itself.
9. No other point has been urged.
10. In view of the above, the present appeal is dismissed.
11. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[JASJIT SINGH BEDI]
JUDGE

20.09.2024
Himanshu

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