

2024-PHHC-136821-DB



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

FAO-4884-2024 (O&M)

Date of decision: 18.10.2024

KESHAV KUMAR

...Appellant

Versus

KANTA RANI

...Respondent

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

Present:- Mr. Parshant Sethi, Advocate for appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 12.10.2023 passed by the learned Principal Judge, Family Court, Camp Court at Hansi, District Hisar (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, has been allowed and the appellant-husband has been directed to pay her an amount of Rs.15,000/- per month as maintenance *pendent lite*, besides paying an amount of Rs.11,000/- as litigation expenses.

2. In the petition under Section 9 of the Act filed by the respondent-wife, she had moved the aforesaid application stating therein that she was residing at her parental house; that her marriage with the appellant-husband was solemnized on 25.02.2013 and out of the said wedlock a male child was born on 14.01.2014; that she had been subjected to cruelty and torture at the hands of her husband and his family members; that there had been repeated demands of dowry and that the appellant-husband had withdrawn from her company without any justified cause. It

was further averred therein that the respondent-wife had no source of income and she was having no movable or immovable property in her name and that she was not able to maintain herself, whereas the appellant-husband was working as a Government Lecturer and drawing a salary of Rs.65,000/- per month.

3. The aforesaid application had been contested by the appellant-husband denying the allegations of cruelty, torture and demands of dowry. It was further contended that the respondent-wife was HTET and NET qualified and was serving in Green Valley International School and earning more than Rs.40,000/- per month, besides earning Rs.30,000/- per month by imparting tuitions.

4. The learned Family Court, after considering the rival contentions of the parties and the material on record, has allowed the application filed by the respondent-wife, as noticed above.

5. Learned counsel for the appellant-husband has vehemently contended that while passing the impugned order, the learned Family Court has not taken into consideration that the respondent-wife is also working as a teacher in a private School and is earning more than Rs.40,000/- per month as a salary therefrom besides earning Rs.30,000/- per month by imparting tuitions. It is further argued that in the earlier round of litigation initiated by the appellant-husband, the respondent-wife was paid more than Rs.4,20,000/- and the said fact has not been taken into consideration by the learned Family Court. It is further submitted that the amount of maintenance awarded by the learned Family Court, is on the higher side and, therefore, the same is liable to be set aside.

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. While deciding the application for maintenance *pendent lite*, the Court is only required to see the parallel resources at the ends of the parties. The learned Family Court, on the basis of the documents available on record, has found that the appellant-husband was working as an Extension Lecturer in Government College Bhuna, Fatehabad and his monthly salary was Rs.57,700/-. On the other hand, it was found that there was no documentary evidence on record to show that the respondent-wife was working anywhere and/or she has any source of income. Thus, the learned Family Court has awarded an amount of Rs.15,000/- per month as maintenance *pendent lite* to the respondent-wife.
8. Even during the arguments before this Court, the learned counsel for the appellant-husband could not show any document or evidence on record to show that the respondent-wife has any source of income. As the respondent-wife is a legally wedded wife of the appellant-husband, the appellant-husband is bound in law to maintain her. Therefore, the impugned order cannot be said to be legally or perverse.
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

18.10.2024
Himanshu

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