

2024:PHHC:150702-DB



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

FAO-4946-2024 (O&M)

Date of decision: November 19, 2024

Parmod Kumar

....Appellant

versus

Reeta

....Respondent

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

Present:- Mr. Ram Karan Agnihotri, Advocate for the appellant.

SUDHIR SINGH, J. (ORAL)

Challenge in the present appeal is to the order dated 24.05.2024 passed by learned Additional Principal Judge, Family Court, Camp Court, Indri (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 she has been awarded a sum of Rs.5,000/- per month as maintenance *pendente lite*, besides litigation expenses of Rs.5,500/-.

2. In a petition under Section 13 of the Act, filed by the appellant-husband, the respondent-wife had filed the aforesaid application, *inter alia*, averring therein that the appellant-husband had filed a baseless petition for divorce and has also stopped paying anything to the respondent-wife for her survival. It was further asserted that she had no source of income, whereas the appellant-husband was running a

big factory, by employing several workers and was earning Rs.1,00,000/- per month. Thus, the respondent-wife had claimed Rs.50,000/- per month as maintenance *pendente lite*.

3. The said application was contested by the appellant-husband contending therein that the respondent-wife was residing at her matrimonial home and she had forced the appellant to leave his native place in 2016. It was further averred that the household expenses of the respondent-wife were being borne by the father of the appellant-husband. The monthly income of Rs.1,00,000/- was denied. However, it was asserted that as per ITR for the year 2022-23, the income of the appellant was Rs.4,48,390/- and out of the said income, he had been repaying the two loans raised by him, besides taking care of the old aged parents and two school going children.

4. The learned Family Court 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 the fact that the respondent-wife is residing at her matrimonial home and all her expenses and that of the minor child, were being borne by the appellant and his father. It is, thus, argued that the impugned order suffers from patent illegality and the same is liable to be set aside.

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

7. The factum of marriage and birth of the children is not disputed. From the affidavit produced by the appellant-husband in respect of income, expenditure and assets, it was found that he is earning Rs.25,000/- per month, and his income was Rs.4,78,700/- as per income tax returns for assessment year 2021-2022, Rs.4,81,690/- as per income tax returns for assessment year 2022-2023, and Rs.2,90,310/- as per income tax returns for assessment year 2023-2024. Learned Family Court, after considering all the aspects, awarded a sum of Rs.5,000/- per month as maintenance *pendente lite* to the respondent-wife, which seems to be just and proper. The stand of the appellant as regards the raising of loans and their repayment, did not find any favour with the learned Family Court, as he failed to place on record any document in this regard.
8. In view of the above, we do not find any illegality in the impugned order, which warrants any interference by this Court.
9. No other point has been urged.
10. Hence, the present appeal is dismissed.
11. Pending application(s), if any, shall stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

November 19, 2024

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No