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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5456-2024 (O&M)

Date of decision: November 21, 2024

Jai Singh

....Appellant

versus

Priya

....Respondent

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

Present:- Mr. V.K. Yadav, Advocate for the appellant.

SUDHIR SINGH, J. (ORAL)

Challenge in the present appeal is to the order dated 20.08.2024 passed by learned Principal Judge, Family Court, Jhajjar (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 that she had no source of income and,

thus, was unable to support herself. It was further asserted that the appellant-husband was running a cloth shop at Jhajjar, thereby earning Rs.50,000/- per month and he also owned a motorcycle repair business at Jhajjar, having an income of Rs.50,000/- per month therefrom. It was also averred that the appellant-husband also owned 5 acres of ancestral agricultural land in his native village, Khatiwas, District Jhajjar, generating an annual income of ₹2,00,000/- per annum.

3. Upon notice, the appellant-husband appeared and filed reply to the said application by averring therein that it was the respondent-wife, who had deserted the appellant-husband without any reasonable cause. He denied the factum of income as projected by the respondent-wife in her application and rather it was pleaded that he was earning Rs.5,000/- to Rs.6,000/- per month. The appellant-husband also alleged that respondent-wife was working at a private school besides doing the business of network marketing fetching an income of Rs.25,000/- per month.

4. The learned Family Court, has allowed the application filed by the respondent-wife as noticed above.

5. Learned counsel appearing for the appellant-husband has vehemently argued that the appellant is a very poor person and this fact was pleaded before the learned Family Court, but it has wrongly proceeded to hold the income of the appellant to be between Rs.20,000/- to Rs.24,000/- per month. It is further argued that the respondent-wife has also been granted a sum of Rs.5,000/- per month as an interim maintenance in the proceedings under Section 125 Cr.P.C., and, thus, in

view of the said fact, she was not entitled to any further maintenance amount.

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

7. The only issue that requires consideration before this Court whether the impugned order passed by the learned Family Court, requires any interference.

8. It is settled law that while deciding an application under Section 24 of the Act, the Court is required to examine the parallel sources of income of the parties. In the instant case, it is not disputed that the respondent-wife has no source of income. The only dispute is with regard to the finding of the learned Family Court on the point of income of the appellant-husband. The learned Family Court has rightly assessed the income of the appellant husband to be between Rs.20,000/- to Rs.24,000/- per month as per the DC rate verifying from place to place. Still further the contention of the learned counsel for the appellant/husband that the respondent-wife has been granted maintenance of Rs.5,000/- per month in the proceedings under Section 125 Cr.P.C., is of no help to the appellant as there is no bar to the grant of such maintenance. Even otherwise, the total amount of Rs.10,000/- per month (i.e. Rs.5,000/- per month in the present proceedings and Rs.5,000/- per month in the proceedings under Section 125 Cr.P.C.), cannot be said to be on the higher side.

9. No other point has been urged.

10. In view of the above, we do not find any illegality in the impugned order, which warrants any interference by this Court.
11. Hence, the present appeal is dismissed.
12. Pending application(s), if any, shall stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

November 21, 2024

mahavir

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No