

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7588-2023

Date of Decision: 25.01.2024

Pardeep

...Petitioner

Versus

Saroj

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Naveen Siwach, Advocate for the petitioner.

GURBIR SINGH, J.

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 16.01.2023 (Annexure P-3) passed by the Learned Family Court, Hisar whereby an application filed by the respondent/wife under Section 24 of Hindu Marriage Act, 1955 (hereinafter to be referred as 'the Act') for grant of maintenance pendente lite in a petition under Section 13 of the Act, has been allowed.

2. The brief facts as culled out from the petition are that petitioner/husband filed a petition under Section 13 of the Act seeking dissolution of marriage by way of decree of divorce. Respondent/wife filed an application under Section 24 of the Act for grant of maintenance pendente lite and the learned Family Court after appreciating the assets and liabilities of both the parties held that petitioner/husband failed to establish any ground which would disentitle the respondent/wife from claiming maintenance and income of the petitioner/husband was found to be Rs.13,000/- per month as admitted by the petitioner/husband in his affidavit of assets and liabilities and held that respondent/wife is entitled to Rs.2500/- per month as maintenance pendente lite from the date of application and one time litigation expenses to the tune of Rs.5500/-.

3. Learned counsel for the petitioner submits that the Family Court passed the impugned order without appreciating the documents on record that petitioner/husband has limited source of income and there are other expenses of the petitioner. He further submits that petitioner is having limited source of income. The respondent/wife is residing separately in the accommodation provided by the petitioner and he is also paying electricity bill and other expenses of the respondent/wife. She is well qualified and gives private tuition and doing tailor work and earning Rs.20,000/- per month.
4. I have heard the submissions of the learned counsel for the petitioner.
5. There is no dispute that respondent is a legally wedded wife of the petitioner. The petitioner has also admitted that he is earning Rs.13,000/- per month in his affidavit of assets and liabilities. There is no dispute that family of the petitioner is also having agricultural land. So, he must be having some income from the agricultural land but the Court below has assessed the income of the petitioner at the rate of Rs.13,000/- per month and awarded sum of Rs.2,500/- per month as pendente lite maintenance to the respondent/wife along with one time litigation expenses to the tune of Rs.5,500/-. The amount of maintenance is not on higher side. There is no document that she is having any source of income.
6. In view of the above fact, the order passed by the learned Court below is in accordance with law and there is no illegality. I do not find any ground to interfere with the same and the present petition stands dismissed in limine.

25.01.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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