

**FAO-6782-2023 (O&M)**

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

**FAO-6782-2023 (O&M)
Date of Decision: 15.05.2024**

RAJINDER KUMAR

...Appellant

Versus

MAMTA

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER**

Present:- Mr. Rohit Kumar, Advocate for the appellant.

SUDHIR SINGH, J.**CM-23699-CII-2023**

For the reasons given in the application, the same is allowed and delay of 224 days in filing the appeal is condoned, subject to all just exceptions.

FAO-6782-2023

The present appeal is directed against the order dated 06.02.2023 passed by learned Family Court, Bathinda, whereby while allowing an application under Section 24 of Hindu Marriage Act (hereinafter referred as 'the Act'), filed by the respondent-wife, an amount of Rs.8,000/- per month has been granted as maintenance pendent-lite to the respondent-wife from the date of filing of the application, besides grant of Rs.3,000/- as litigation expenses.

2. The appellant-husband had filed a petition under Section 13 of the Act for dissolution of his marriage with the respondent-wife by a decree of divorce on the grounds of cruelty and desertion. Pending the said petition before learned Family Court, the respondent-wife had moved the aforesaid application,

which as noticed above, has been allowed vide the impugned order.

**FAO-6782-2023 (O&M)**

3. Learned counsel appearing for the appellant-husband contends that while passing the impugned order, the learned Family Court has not taken into consideration that the very divorce petition filed by the husband, is based on the allegations of cruelty and desertion against the respondent-wife. It is, thus, submitted that the respondent-wife, who has caused cruelty and desertion to the appellant, is not entitled to any maintenance from him. It is further submitted that from the wedlock of the parties, there are four children and the appellant-husband is bearing all the expenses towards their education and other necessities and, thus, there was no requirement to grant the maintenance pendant-lite to the respondent-wife. It is further submitted that the respondent-wife did not disclose about the maintenance being received by her in the proceedings under Section 125 Cr.P.C. It is further submitted that the respondent-wife had given the appellant-husband beatings and in this regard he had got registered DDR No.16 against the respondent-wife.

4. We have heard learned counsel for the appellant and have also gone through the impugned orders.

5. The short question that arises for consideration by this Court is whether the impugned order requires any interference.

6. Admittedly, the divorce petition is pending between the parties before learned Family Court. The order under challenge emanates from the application under Section 24 of the Act. While passing the impugned order, it has been found by learned Family Court that the respondent-wife was not living in her matrimonial home and that divorce petition is yet to be decided on the basis of the evidence to be led by the parties. As per the salary slip of the appellant for the month of July, 2022, the total salary of the appellant-husband



FAO-6782-2023 (O&M)

was found to be Rs. 42,149.47 and carry home salary as Rs.20,599/- and that the amount on account of house loan, personal loan, two wheeler loan and festival advance, was shown to have been deducted from the salary of the appellant-husband. Thus, an amount of Rs.8,000/- has been allowed as maintenance pendent-lite to the respondent-wife.

7. The income in the form of salary has not been disputed by learned counsel for the appellant-husband. Therefore, based on the said income, the grant of an amount of Rs.8,000/- as maintenance pendent-lite to the respondent-wife cannot be said to be on the higher side, especially when it is not the case of the appellant-husband that the respondent-wife does have any source of income.

8. In view of the above, we do not find any patent illegality or perversity on the impugned orders passed by the learned family Court.

9. Findings no merit in the present appeal, the same is hereby dismissed.

10. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[HARSH BUNGER]
JUDGE

15.05.2024
Himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No