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

FAO-280-2025 (O&M)

Date of decision: January 21, 2025

Shyamlal

....Appellant

versus

Nisha

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Rajesh Lamba, Advocate for the appellant.

SUDHIR SINGH, J. (ORAL)

CM-951-CII-2025

For the reasons stated in application, same is allowed. Delay of 103 days in filing the appeal is condoned.

Main case (O&M)

Challenge in the present appeal is to the order dated 06.09.2024 passed by learned Principal Judge, Family Court, Jhajjar, Camp Court, Bahadurgarh (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.10,000/- per month as maintenance *pendente lite*, besides litigation expenses of Rs.5,500/-.

2. In a petition under Section 11 of the Act, filed by the appellant-husband, the respondent-wife had filed the aforesaid application, *inter alia*, averring therein that she was not able to maintain herself claiming the appellant/husband to be a man of means, who was fetching an income of

Rs.60,000/- per month. She further averred that apart from said income, the appellant/husband also owned houses at Village Badsa along with two vacant plots, from where, he was getting monthly rental income to the tune of Rs.10,000/-. Apart that, the appellant/husband was also having additional income of Rs.15,000/- per month from his 3 acre agricultural land/plots in his native village. Thus, the respondent-wife had claimed Rs.40,000/- per month as maintenance *pendente lite* and Rs.99,000/- for one time litigation expenses.

3. The said application was contested by the appellant-husband denying that the respondent/wife had no source of income and she was unable to maintain herself. He had alleged that the marriage between the parties was null and void as the respondent/wife had concealed the factum of her earlier marriage, which was continuing at the time of her marriage with the appellant/husband. He further alleged that the respondent/wife had demanded Rs.10,00,000/- from the appellant/husband in order to withdraw a complaint given by her against him to the Women Cell at Bahadurgarh, District Jhajjar. The appellant/husband had also denied the agricultural and/or rental income as averred by the respondent/wife in her application.

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 argued that once it is the stand of the appellant in his divorce petition that marriage was null and void and the respondent/wife had concealed the factum of her previous marriage, she is not entitled to any maintenance *pendente lite* and the said aspect has totally been ignored by the learned Family Court.

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

7. The sole contention of learned counsel for the appellant is that the respondent/wife is not entitled to maintenance *pendente lite* as marriage between the parties was void. In this regard, suffice to say that divorce petition filed by the appellant/husband is still pending adjudication before the competent Court and unless a finding regarding the marriage being void is recorded by the Court concerned, it cannot be said that the marriage between the parties was void. The fact remains that as on date, the respondent is a legally wedded wife of the appellant, and therefore, the appellant is liable to maintain her. While awarding maintenance amount of Rs.10,000/- per month, learned Family Court has taken into consideration the affidavit of income, assets and liabilities filed by the appellant and thus, assessed his income between Rs.55,000/- to Rs.60,000/- per month. Still further, grant of maintenance *pendente lite* at the rate of Rs.10,000/- per month cannot be said to be on higher side.
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

(SUKHVINDER KAUR)
JUDGE

January 21, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No