

2025:PHHC:012520-DB



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

FAO-439-2025 (O&M)
Date of decision: 27.01.2025

Atin Kumar

.....Appellant

Versus

Anamika Sikri

.....Respondent

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

Present: Mr. Sarbjit Singh, Advocate, for the appellant.

SUDHIR SINGH, J.

CM-1464-CII-2025

For the reasons given in the application, the same is allowed. Delay of 71 days in filing the appeal is condoned, subject to all just exceptions.

FAO-439-2025

Challenge in the present appeal is to the order dated 14.08.2024 passed by the Additional Principal Judge, Family Court, Amritsar (for short 'the Family Court), whereby an application under Sections 24/26 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent-wife was disposed of by directing the appellant-husband to pay a sum of Rs.6,000/- per month as maintenance in favour of the son of the parties and Rs.4,400/- as litigation expenses.

2. During the pendency of a divorce petition filed by the appellant-husband under Section 13 of the Act, the

respondent-wife had filed the aforesaid application for grant of maintenance of Rs.30,000/- per month for the minor son of the parties, asserting therein that the respondent-wife was working as a Senior Manager in State Bank of India, Branch Harsha Chhina, Amritsar, whereas the appellant-husband was working as Branch Manager in State Bank of India, Branch Samote, District Chamba, Himachal Pradesh. They both were drawing identical salary of Rs.1,05,000/- per month approximately. It was further asserted that Reyansh (minor son of parties) was studying in Convent School at Amritsar and since both the parties were earning, they were liable to share the expenses incurred on the maintenance of their son.

3. The said application was contested by the appellant-husband contending therein that the respondent-wife was working as Senior Manager, Scale 3 in State Bank of India, whereas the appellant-husband was working as Deputy Manager, Scale 2, in the said Bank. As such, being posted on the higher post, the respondent-wife was getting higher salary than the appellant-husband. It was further contended that both the parties had availed a joint home loan of Rs.81 Lakh and they were paying regular EMIs for that. It was further asserted that the appellant-husband had also availed a personal loan of Rs.6 Lakh (for both the parties) and that he was repaying the said loan solely. It was yet further asserted by him that he had to incur the expenses of Rs.10,000/- per

visit to the Court, besides incurring the expenses on the journey to meet the child.

4. Both the parties filed affidavits regarding their income, assets and liabilities.

5. Learned Family Court, after taking into consideration the rival contentions and documents on record, granted the maintenance to the minor child, as noticed above.

6. Learned counsel appearing for the appellant-husband has argued that the impugned order passed by the learned Family Court is not tenable in the eyes of law, as the respondent-wife is holding a senior position in the Bank and she can very well maintain the minor child. It is yet further argued that the appellant is contributing not only towards the repayment of the loans, but also taking care of the minor child and therefore, the grant of maintenance to the minor child is unwarranted.

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

8. The only issue that arises for consideration is, whether the impugned order passed by the learned Family Court requires any interference.

9. The working status of the parties is not in dispute. Therefore, learned Family Court has given a finding that it is the joint liability of both the parents to maintain the minor child. Though, the respondent-wife had claimed maintenance of Rs.30,000/- per month for the minor son, yet taking into

consideration the entirety of the facts and circumstances, the learned Family Court has awarded only a sum of Rs.6000/- per month in favour of minor child (Reyansh), besides directing the appellant-husband to pay litigation expenses of Rs.4400/-.

10. We find no illegality or perversity in the order passed by the learned Family Court.

11. In view of the above, finding no merit in the present appeal, the same is hereby, dismissed.

12. All pending applications (if any), shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

27.01.2025

Ajay Prasher

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No