2025:PHHC:012442-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-437-2025 (O&M)
Date of decision: 27.01.2025

Parveen .....Appellant

Versus

Pooja .....Respondent

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

Present: Mr. Vijay Dahiya, Advocate, for the appellant.

SUDHIR SINGH, J.

Challenge in the present petition is to the order dated 02.12.2024 passed by the Principal Judge, Family Court, Sonipat (for short 'the Family Court'), whereby while deciding an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent-wife, she has been held entitled to a sum of Rs.15,000/- per month as maintenance pendente lite.

2. During the pendency of a divorce petition filed by the appellant-husband under Section 13 of the Act, the respondent-wife had moved the aforesaid application, asserting therein that she had no source of income, whereas she was to maintain herself besides maintaining a minor daughter. It was pleaded by her that the appellant-husband, being a practicing lawyer at District Bar, Sonipat, was earning

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Rs.60,000/- per month and besides this, he was earning Rs.20,000/- per month from various properties owned by him.

3. The said application was contested by the appellant-husband asserting therein that respondent-wife had deserted him without any fault and that the parties had been living separately since 01.09.2019. It was further asserted by him that he was physically disable and that the respondent-wife was earning Rs.10,000/- to Rs.12,000/- per month from her beauty parlour-cum-ladies' tailor shop. It was further asserted by him that besides this income, she was also earning a sum of Rs.12,000/- per month, by selling milk off her two buffaloes.

4. The learned Family Court, after taking into consideration the rival contentions and documents on record, has awarded the maintenance *pendente lite* to the respondent-wife, as noticed above.

5. Learned counsel appearing for the appellant argues that the appellant is a disable person and though, he is an Advocate, yet his income is very limited i.e. Rs.10,000/- per month and thus, the order granting maintenance *pendente lite* @ Rs.15,000/- per month, is not tenable. It is further argued that earlier, the parties had filed a petition under Section 13-B of the Act, but the respondent-wife had withdrawn from the second motion statement for the *mala-fide* reasons. It is, lastly, argued that the respondent-wife, who has been living separately of her own will, is not entitled to grant of any

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maintenance *pendente lite* and thus, the impugned order passed by the learned Family Court, is liable to be set aside.

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

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

8. It is a settled law that at the time of deciding an application under Section 24 of the Act, the Court has to see the sources of income of the parties. In the instant case, on the basis of the affidavits of assets, income and liabilities, it was found that the respondent-wife, who had studied only up to 7th class, was living at her parental house and had no source of income, whereas on the other hand, it was found that the appellant-husband was getting Rs.2445/- per month as interest on FD of Rs.9,00,000/- (interest on half of his share) and was paying Rs.2,000/- in SIP in Aditya Birla Mutual Fund. From the said fact, it was found that the appellant-husband was maintaining himself. It was yet further found that though, the appellant claimed himself to be 80% disabled, yet him being in the active practice in legal profession for the last 15 years. It was also found that the appellant-husband was driving a scooty; travelling via train from Sonipat to Delhi Court everyday; was a practicing Lawyer at Rohini Court and having a chamber there and thus, his disability could not be accepted as a hindrance in his legal

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practice. It was also found that the Bank statement of the appellant-husband showed that he had deposited Rs.4,75,713/- during the period of three years, which indicated that he was having income of more than Rs.13,500/- per month for the said period and thus, the income of the appellant-husband was assessed not less than Rs.50,000/- per month.

9. We find that the order passed by the learned Family Court is perfectly valid. It is not disputed by the appellant-husband that the respondent-wife, besides maintaining herself, has also to maintain a minor daughter. It is very difficult for the respondent-wife to maintain herself and the minor child without any income. Thus, the award of Rs.15,000/- per month as maintenance *pendente lite* to the respondent-wife cannot be said to be on the higher side or unwarranted. We find no illegality or irregularity in the findings recorded by the learned Family Court.

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

11. 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

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