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

FAO-M-1-2025 (O&M)

Date of decision: February 06, 2025

Manoj Kumar

....Appellant

versus

Pooja

....Respondent

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

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

SUDHIR SINGH, J. (ORAL)

CM-1584-CII-2025

For the reasons stated in application, same is allowed. Delay of 6 days in filing the appeal is condoned.

Main case (O&M)

Challenge in the present appeal is to the order dated 03.09.2024 passed by learned Additional District Judge, Chandigarh (for short the '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 disposed of and the appellant/husband has been directed to pay maintenance *pendente lite* to the tune of Rs.10,000/- per month to the respondent/wife from the date of filing of the application, besides Rs.25,000/- as litigation expenses.

2. In a petition under Section 13 of the Act, filed by the appellant/husband, the respondent/wife had filed the aforesaid application,

inter alia, averring therein that she had no source of income and was completely dependent upon the appellant/husband. The appellant/husband had various sources of income and was also in possession of many movable and immovable properties, apart from owning two shops at Sector 19-C, Chandigarh. His monthly income from various sources was more than Rs.70,000/- per month. It was further averred that the appellant/husband was also in possession of a double storey house bearing No.3879, Sector 47-D, Chandigarh. The appellant was also investing in mutual funds, shares and maintained various bank accounts. The appellant had no other liability. He had intentionally neglected and refused to maintain the respondent/wife. Thus, the respondent/wife had claimed Rs.25,000/- per month as maintenance *pendente lite*, besides Rs.50,000/- as litigation expenses.

3. The said application was contested by the appellant/husband *inter alia* denying the averments made by the respondent/wife in the aforesaid application, and stated that he had responsibility of his old age father who was a patient of chronic Asthma and other ailments. He has two younger sisters of marriageable age, and one of them was suffering from arthritis and was bed ridden. It was further asserted that his monthly income was Rs.23,333/-. The respondent/wife was not entitled to any maintenance or litigation expenses as she had her own independent source of income at Ludhiana. The appellant was not having any immovable property or any shop and that the double storey house was owned by his father.

4. The learned Family Court has disposed of the application filed by the appellant/wife, as noticed above.

5. Learned counsel for the appellant/husband argues that in other proceedings under Section 125 of the Cr. P.C., the respondent/wife has already been granted an amount of Rs.6,000/- per month as interim maintenance, besides Rs.8,000/- as litigation expenses. He submits that the said interim maintenance granted in the proceedings under Section 125 of Cr. P.C. ought to have been adjusted while awarding maintenance under Section 24 of the Act, but no finding has been given in this regard, in the impugned order.

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

7. The only contention of learned counsel for the appellant is that in the proceedings under Section 125 of the Cr. P.C., an amount of Rs.6,000/- was already granted to the respondent/wife as interim maintenance, and the said amount was required to be adjusted while deciding application under Section 24 of the Act.

8. The learned Family Court, vide impugned order, while disposing of the application of the respondent/wife has observed as follows:-

“11- I have carefully considered the case law on the point, facts of the case, circumstances of the parties, the fact that the respondent wife is suffering from Breast Cancer, while considering maintenance amount which should be awarded. As discussed above the Court should be conscious of the fact that the quantum of maintenance pendente lite should ensure that the spouse enjoys same status and facilities as he or she was enjoying prior to separation and considering the economic and financial status of the husband and his scale and mode of living and the class to which he belongs as well as the wants and living standard of the said class the interest of justice get served in case respondent husband is directed to pay a sum of Rs.10,000/-per month as maintenance pendent lite to respondent from date of application and Rs.25,000/- as litigation expenses. Nevertheless the allegations and counter allegations made by the parties would be subject to the evidence adduced during the trial.

12- *So considering the economic status of husband and above-said circumstances, Petitioner husband is directed to pay maintenance pendente lite @ Rs.10,000/- per month to applicant-wife from the date of filing of application along with Rs.25,000/- as litigation expenses. The maintenance amount awarded and paid in earlier proceedings or otherwise during the said period is liable to be adjusted or set off from the maintenance amount granted in present case. The application in hand stands disposed off accordingly.”*

9. Perusal of the aforesaid impugned order shows that the learned Family Court has observed that the maintenance amount awarded and paid in earlier proceedings or otherwise during the said period was liable to be adjusted or set off.

10. In view of the above, we do not find any ground to interfere in the impugned order passed by learned Family Court. Needless to say, interim maintenance amount awarded in the present proceedings shall be adjusted with the amount of maintenance already awarded to the respondent/wife in the proceedings under Section 125 of Cr. P.C.

11. Appeal stands disposed of.

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

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

February 06, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No