



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

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**FAO-1693-2025 (O&M)
Date of decision: 19.03.2025**

Nisha

....Appellant

Versus

Sunil

...Respondent

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

Present : Mr. Ivneet Singh Pabla, Advocate for the appellant.

SUDHIR SINGH. J.

CM-5287-CII-2025

For the reasons given in the application, the same is allowed and the delay of 02 days in filing the present appeal is condoned, subject to all just exceptions.

FAO-1693-2025

The instant appeal is directed against the order dated 07.11.2024 passed by the Principal Judge, Family Court, Jhajjar, Camp Court Bahadurgarh (for short the Family Court), whereby while disposing of an application under Section 24 of the Hindu Marriage Act 1955 (for short the Act) filed by the appellant-wife, she has been held entitled to an amount of Rs.4,000/- per month as maintenance *pendente lite* besides a sum of Rs.5500/- as litigation expenses.

2. In the divorce petition, filed by the respondent-husband, the appellant-wife had moved the aforesaid application, *inter alia*, pleading therein that she was the legally wedded wife of the respondent-husband. It was further



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asserted by her that she was unemployed and had no source of income, whereas her husband was serving as a driver in a private bus agency, thereby fetching a salary of Rs.50,000/- per month. It was further asserted by her that he was earning a sum of Rs.4,00,000/- to 5,00,000/- per annum from the business of the Real Estate. Apart from that, he was also having immovable properties, i.e., house No.22/705 (measuring 120 sq. yards) at Bahadurgarh and 04 acres of agricultural land at Kalhawar along with other movable properties. It was, thus, pleaded that the respondent-husband was also having income of Rs.3,00,000/- per annum from the agricultural land.

3. The aforesaid application had been contested by the respondent-husband pointing out therein that the appellant-wife had left the matrimonial home of her own and, therefore, she was not entitled to the maintenance. The land-holding as alleged by the appellant-wife was denied and it was pleaded that he was only earning a monthly salary of Rs.21,215/-. The house in question as pleaded by the appellant-wife in her application, was ancestral in nature and the respondent-husband was having 1/3rd share therein. So far as the agricultural land was concerned, it was pleaded that the father of the respondent-husband was having 1/5th share in the said land and after his death, the respondent-husband inherited 1/3rd share of the said 1/5th share. It was also pleaded, that the appellant-wife was graduate and also possessed JBT and C.Tet qualifications and she was earning Rs.12,000/- per month by imparting the tuitions. On the basis of the affidavits of the parties in respect of their income, assets and liabilities, it was observed by the learned Family Court that the monthly salary of the respondent-husband was Rs.21,215/- after mandatory deductions. Apart from that, an FDR of



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Rs.5,00,000/- had been created in the name of the appellant-wife, which he was ready to hand over to the appellant-wife. Accordingly, an amount of Rs.4,000/- per month has been awarded as maintenance *pendente lite* to the appellant-wife.

4. We find that the amount of Rs.4,000/- awarded by the learned Family Court need no interference at this stage, but keeping in view the fact that only an amount of Rs.4,000/- has been awarded as maintenance *pendente lite*, we make it clear that the directions of the learned Family Court regarding the set off of any other amount being received by her in any other proceedings are not justified. The said direction was justified only if she had been drawing any reasonable or higher amount in any other proceedings. Thus, said directions are set aside.

5. With the aforesaid modification in the impugned order the present appeal is dismissed.

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

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

19.03.2025
Amandeep

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No