

2025:PHHC:028884-DB



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

FAO-1234-2025 (O&M)

Date of decision: 20.02.2025

JASPREET SINGH

.....Appellant

Versus

HARWINDER KAUR

.....Respondent

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

Present:- Mr. Naresh Kumar Kalia, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 08.11.2024 passed by learned Principal Judge, Family Court, Ludhiana (for short the 'Family Court'), whereby while allowing an application filed by the respondent-wife under Section 24 of the Act (for short 'the Act'), she was held entitled to an amount of Rs.6,000/- per month and the minor child of the parties to Rs.2,000/- per month as maintenance *pendente lite*. Besides that, a sum of Rs.8,000/- was also awarded to her as litigation expenses.

2. In a petition under Section 9 of the Act, the respondent-wife had filed the aforesaid application claiming therein that she and the minor child had been neglected by the appellant-husband. She had no source of income and, therefore, she was not able to maintain

herself and the minor child. It was also asserted that on the other hand, the appellant-husband was a man of means and being an agriculturist, he was having a dairy farm, 15 cows, movable and immovable properties and from all sources, his income was Rs.1 lakh per month. Thus, the respondent-wife had prayed for grant of maintenance for herself and the minor child @ Rs.60,000/- per month, besides claiming an amount of Rs.20,000/- as litigation expenses.

3. The said application was contested by the appellant-husband by asserting that the respondent-wife was running a boutique and earning Rs.45,000/- per month and on the other hand, he was only selling milk and earning Rs.20,000/- per month. It was yet further asserted by him that he had also to maintain his old aged parents.

4. The learned Family Court allowed the application filed by the respondent-wife, as notice above.

5. Learned counsel for the appellant-husband has vehemently argued that the appellant-husband is earning only Rs.20,000/- per month by selling milk and he was under a trap of heavy expenditures. It is further argued that the appellant-husband is the only breadwinner of the family and apart from maintaining his old aged parents, he has also to maintain his separated sister. It is further argued that the respondent-wife had failed to prove on record that the appellant was earning a sum of Rs.1 lakh per month. It is, thus, contended that the impugned order passed by the learned Family Court, being perverse, is liable to be set aside.

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

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

8. A perusal of the impugned order passed by the learned Family Court would show that in his affidavit of income, assets and liabilities, the appellant-husband mentioned his qualification as 10+2 and the fact that he had been earning a sum of Rs.20,000/- per month by selling milk. It was further found that though the appellant-husband had asserted that he was earning Rs.20,000/- per month by selling milk, yet he did not place on record any proof that the respondent-wife had any source of income to maintain herself and the minor child.

9. It is settled law that at the time of deciding the application under Section 24 of the Act, the parallel sources of income of the parties are to be taken into consideration. In the instant case, it has been established on record that the respondent-wife has no source of income to maintain herself and the minor child. On the other hand, the appellant-husband was not able to counter the averments made by the respondent-wife regarding him being agriculturist. Thus, we find that the award of maintenance of Rs.6,000/- per month to the respondent-wife and Rs.2,000/- per month to the minor child, cannot be said to be either on the higher side or unwarranted.

10. No other point has been urged.

11. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.
12. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

20.02.2025

himanshu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No