

2025.PHHC.042263-DB



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

FAO-1753-2025 (O&M)**Date of decision: 27.03.2025**

PARVEEN KUMAR

.....Appellant

Versus

MANISHA

.....Respondent

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

Present:- Mr. Yogesh Jangra, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 02.03.2023 passed by learned Principal Judge, Family Court, Hisar, Camp at Hansi (for short the 'Family Court'), whereby while disposing of an application under Section 24 of the Act (for short 'the Act'), filed by the respondent-wife, she was held entitled to an amount of Rs.12,000/- per month as maintenance *pendente lite*, besides grant of litigation expenses of Rs.11,000/-.

2. In the petition under Section 13 of the Act filed by the appellant-husband, the respondent-wife had filed the aforesaid application contending therein that she was a household lady having no source of income, whereas the appellant-husband was serving in the Indian Army and was getting a salary of Rs.70,000/- per month and besides that, he was also having income from the agriculture land. She had, thus, sought an amount of Rs.40,000/- per month as interim maintenance and Rs. 21,000/- as litigation expenses.

3. The aforesaid application was contested by the appellant-husband by asserting that he was serving as a Constable in the Army and was getting a salary of Rs.35,000/- per month.

4. Learned Family Court, after considering the fact that the respondent-wife had no source of income awarded her maintenance *pendente lite* of Rs.12,000/- per month, as noticed above.

5. Learned counsel for the appellant-husband has vehemently argued that the respondent-wife is a well educated lady, having degrees of M.A. (English) and B.Ed. and earning a handsome amount by imparting tuitions to children. It is further argued that she has also filed a petition under Section 125 Cr.P.C., claiming maintenance of Rs.45,000/- per month and Rs.33,000/- as litigation expenses. It is yet further argued that the appellant-husband is getting a carry home salary of Rs.20,743/- after standard deductions, which is further subject to income tax and, thus, the amount of Rs.12,000/- awarded to the respondent-wife, is on the higher side. It is also argued that the respondent-wife is practicing at District Courts, Hisar as a Lawyer and, therefore, she is not entitled to the aforesaid amount of maintenance *pendente lite* awarded by the learned Family Court.

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. It is settled law that at the stage of deciding an application under Section 24 of the Act, the Court is to take into consideration the parallel sources of income of the parties. In the instant case, though it is the contention of the learned counsel for the appellant that the respondent-wife is earning handsomely by imparting tuitions and practicing as a Lawyer before the District Courts, Hisar, yet there is nothing on record to substantiate the said argument. The learned Family Court has found that the respondent-wife was having no source of income, whereas admittedly, the appellant-husband was serving in the Army and drawing salary of Rs.49,901/- per month as per the salary slip produced by him. The argument of the learned counsel for the appellant-husband that the carry home salary of the appellant-husband is Rs.20,743/- after standard deductions, is no ground to interfere with the impugned order as admittedly as per the salary slip, the appellant-husband's gross salary is Rs.49,901/-.

9. No other point has been urged.

10. In view of the above, we do not find any illegality or perversity in the impugned order. Finding no merit in the present appeal, the same is hereby dismissed.

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

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

27.03.2025
himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No