

2025-PHHC-043299-DB



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

**FAO-1970-2025 (O&M)**

**Date of decision: 27.03.2025**

JITENDER SAINI

.....Appellant

Versus

SHALINI

.....Respondent

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

Present:- Mr. Surinder Gaur, Advocate for the appellant.

**SUDHIR SINGH, J.**

**CM-6257-CII-2025**

For the reasons given in the application, the same is allowed. Delay of 03 days in filing the appeal is condoned, subject to all just exceptions.

**FAO-1970-2025**

Challenge in the present appeal is to the order dated 18.12.2024 passed by the learned Principal Judge, Family Court, Rohtak (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.25,000/- per month as maintenance pendente lite, besides litigation expenses of Rs.11,000/-.

2. In the divorce petition under Section 13 of the Act filed by the respondent-wife, she had also moved the aforesaid application claiming maintenance of Rs.75,000/- per month along with litigation

expenses of Rs. 11,000/-, inter alia, pleading therein that she had no source of income or movable/immovable property in her name and she along with her minor child were living at the mercy of her parents. It was further asserted by her that the appellant-husband was a Government employee working as an Inspector in the Income Tax Department and getting salary of Rs.1,50,000/-. It was further pointed out that he was earning Rs.2,00,000/- per month.

3. The aforesaid application was contested by the appellant-husband by contending therein that the respondent-wife had done M.Sc. in microbiology and prior to the marriage, she had been working as a teacher in Saini School, Rohtak. It was admitted that he was a Government employee, but the factum of drawing salary of Rs.1,50,000/- per month were disputed. It was further pointed out that he was posted at Chennai and was living in a rented accommodation. It was further pointed out that he was getting salary of approximately Rs.58,000/- per month.

4. The learned Family Court on the basis of the pleadings of the parties and documents on record, allowed the application filed by the respondent-wife, as noticed above.

5. Learned counsel for the appellant-husband has vehemently argued that while passing the impugned order, the learned Family Court did not take into consideration the factum of the respondent-wife being highly qualified and she was also having a certificate of registration for U.K. Design. Still further, it is argued that she was already getting Rs.15,000/- per month as maintenance in

the proceedings under Section 125 Cr.P.C., in compliance of the order dated 02.02.2024. Still further it is argued that the learned Family Court has also overlooked the evidence available on record vide which it was established that the respondent-wife was earning permanent salary while working as a Professor with Baba Masth Nath University.

6. We have heard the learned counsel for the appellant-husband 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. As would appear from the impugned order, it has been observed by the learned Family Court that the respondent-wife was highly qualified and doing Ph.D. in Microbiology besides undergoing training in Baba Masth Nath University, but the fact remained that she was not earning and had no regular source of income. It was observed that she had incurred a huge expenditure on her Ph.D, which was evident from the receipts on record. It was found that besides maintaining herself, she is also maintaining the minor child. Accordingly, the learned Family Court has concluded as under:-

“14. The respondent has claimed that he was supporting his parents and was living in a rented accommodation at Chennai. He has also claimed that his monthly expenditure was Rs.92,525/- and besides expenditure of Rs.18,500/- on groceries,

LPG gas, electricity, salary of the cook and other miscellaneous expenses, he was paying Rs.26,000/- towards rent, Rs.9,500/- on medical expenses of his parents, Rs.12,000/- on communication between Rohtak to Chennai by air/train on account of the litigation and personal work of his family, Rs.26,625/- on EMI of personal loan of Rs.5.5 Lakhs last paid in October 2024 however, the respondent has neither placed any rent receipts or rent deed on the record nor there is any statement of account of his loan account to support his claim. Also in the light of the heavy contributions being made by him to his mother it does not seem like he was in need of a personal loan.

15. Hence, in the light of entire aforesaid facts and circumstances of the case, the respondent is directed to pay maintenance pendente lite to the petitioner to the tune of Rs.25,000/- per month from the date of filing of the application till final decision alongwith litigation expenses to the tune of Rs.11,000/-. However, if the petitioner gets employment she shall immediately inform the Court. Maintenance granted to the petitioner in any other proceedings would however, be adjusted against maintenance granted vide present order.

Petitioner is directed to finish the particulars of her bank account to the respondent and the respondent is directed to directly deposit the amount of maintenance in the bank account of the petitioner on or before 7<sup>th</sup> of each month.”

9. It is not disputed that the appellant-husband is a Government employee. It is also not disputed that the respondent is legally wedded wife. It is also not disputed that the minor child is residing with the respondent-wife. It is settled law that at the time of the decision of the application under Section 24 of the Act, the Court is to see the parallel sources of income at the ends of the parties. In the instant case, the respondent-wife has no source of income and, therefore, grant of maintenance to the tune of Rs.25,000/- per month to her and the minor child does not seem to be legally perverse or unjustified.

10. No other point has been urged.

11. In view of the above, we do not find any illegality or perversity in the impugned order. Thus, 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**

27.03.2025  
himanshu

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No