



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CM-12035-CII-2022 in/and
FAO-3888-2022 (O&M)
Date of Decision:- 11.08.2025

Dalbir Singh @ Monty alias Dalvir Singh Kang

... Appellant

Versus

Palvinder Kaur

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present:- Mr. Ravi Sharma, Advocate, for the appellant.

GURVINDER SINGH GILL, J.

CM-12035-CII-2022

There is a delay of 18 days in filing this appeal.

In view of the reasons mentioned in the application, the same is allowed and delay of 18 days in filing the appeal is condoned.

CM-12036-CII-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and additional documents are taken on record as Annexure A-1 to A-11, subject to all exceptions.

CM-12952-CII-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and copy of ITR for assessment year 2018-19,



application under Section 340 Cr.P.C. moved by the appellant/petitioner and certificate of handicap dated 03.05.1995 are taken on record as Annexure A-12 to A-14, subject to all exceptions.

CM-1387-CII-2023

In view of the reasons mentioned in the application, the same is allowed as prayed for and copy of ITR for assessment year 2015-16, 2016-17 along with affidavit regarding non filing of Income Tax Returns for the assessment years thereafter are taken on record.

FAO-3888-2022 (O&M)

1. Appellant-Dalbir Singh @ Monty @ Dalvir Singh Kang assails order dated 27.5.2022 vide which the learned Family Court while disposing of an application under Section 24 of The Hindu Marriage Act has awarded maintenance pendente lite @ Rs.30,000/- per month apart from one time litigation expenses to the tune of Rs.5500/-.
2. The appellant-husband had filed petition under Section 13 of the Hindu Marriage Act against the respondent-wife seeking dissolution of his marriage by way of a decree of divorce. It was during the course of pendency of the said petition that the respondent-wife moved an application under Section 24 of the Hindu Marriage Act seeking maintenance pendente lite.
3. The applicant averred that the parties had three children and that while the elder daughter and the elder son are with the applicant (wife) the youngest son was residing with the respondent (husband). The elder daughter is studying in college and whose monthly expenses are stated to be Rs.35,000/- to Rs.40,000/- per month, whereas the son Kunwar Partap Singh was



residing with the applicant is stated to be mentally challenged and under medical treatment from DMC, Ludhiana wherein a medical expenditure to the tune of Rs.10,000/- per month was being incurred. The applicant stated that her own expenditure was to the tune of Rs.30,000/- per month and thus claimed monthly maintenance to the tune of Rs.80,000/- per month apart from litigation expenses to the tune of Rs.1,00,000/-. The applicant alleged that her husband Dalbir Singh @ Monty @ Dalvir Singh Kang was an agriculturist owning about 25/30 killas of land having an income of Rs.12,00,000/- per annum and was also running two hotels, wherein he was having half share and from which he was earning about Rs.2,00,000/- per month, in addition to another rental income to the tune of about Rs.1,50,000/- per month.

4. In response thereto the petitioner/husband took a stand that he was bearing all the expenses including educational expenses of the children and had also borne the expenses of her daughter's overseas study tour to England and USA. The appellant (husband) in his reply before the Family Court denied all the material averments and took a stand that he is a petty farmer and is having a limited source of income and is in fact under debt.
5. Learned Family Court while considering the pleadings and documents placed on record awarded maintenance pendente lite to the applicant @ Rs.30,000/- per month apart from litigation expenses to the tune of Rs.5500/-.
6. Learned counsel for the appellant submitted that the trial Court fell in error in taking into account one income tax return for assessment year 2018-19,



wherein the gross income is shown as Rs.13,24,673/- and agricultural income is reflected as Rs.6,50,000/- whereas in fact the said income tax return for the year 2018-19 was not the income tax return of petitioner-Dalbir Singh @ Monty @ Dalvir Singh Kang, but was of his brother-in-law whose name is Dalbir Singh Nannar, as is specifically recorded in the said income tax return, copy whereof has been annexed as Annexure A-12.

7. We have perused the aforesaid income tax return, which indeed shows that the name of the assessee is described as Dalbir Singh Nannar and his PAN is mentioned as DGCPS0253Q. The aforesaid name is indeed different from the name of the petitioner. The petitioner has also placed on record his own income tax returns for the year 2015-16 and 2016-17. A perusal of the aforesaid income tax return for the year 2015-16 and 2016-17 shows that the name of the assessee is mentioned as Dalbir Singh and the PAN is mentioned as AUWPS3134M.
8. It is thus evident that the income tax return for the year 2018-19, as relied upon by the trial Court is of a different person and is not of the petitioner and deserves to be ignored. However, since the appellant has himself placed on record his income tax returns before this Court for the year 2015-16 and 2016-17 wherein his income is mentioned as Rs.10,85,000/- and Rs.10,95,000/- respectively, the amount of maintenance of Rs.30,000/-, as assessed by the trial Court would be fairly justified. The respondent is not shown to be having any source of income.
9. The admitted case of the appellant, as per the aforesaid income tax returns, is that in any case, he is having an income to the tune of approximately



Rs.90,000/- per month. Consequently, the amount of maintenance @ Rs.30,000/- per month for the wife cannot be said to be on the higher side. The impugned order thus would not warrant any interference and the same is upheld.

- 10. It is however, clarified that any other amount of maintenance being paid to the wife in any other collateral proceedings would be set off against the amount of compensation awarded in the instant proceedings under Section 24 of the Hindu Marriage Act.
- 11. The appeal is sans merit and is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

11.08.2025
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Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No