



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

FAO-1603-2025 (O&M)

Date of Decision: March 24, 2025

Neha

.....Appellant

versus

Ashwani Singla

....Respondent

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

Present:- Mr. Nitin Bhanwala, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the judgment and decree dated 08.01.2025 passed by the learned Principal Judge, Family Court, Kaithal (for short 'the Family Court'), whereby the petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent-husband was allowed, and the marriage between the parties was dissolved by a decree of divorce on the ground of cruelty. However, an amount of Rs.18 lakhs has been awarded as permanent alimony to the appellant-wife.

2. At the very outset, it may be noticed that the only challenge in the present appeal is to the grant of permanent alimony of Rs.18 lakhs. The appellant prays for enhancement of the said amount to a sum of Rs.95 lakhs.

3. Learned counsel appearing on behalf of the appellant-wife has vehemently contended that permanent alimony granted to the appellant-wife

is very much on the lower side. It is further argued that as per the salary slip (Exhibit RA) produced and proved before the learned Family Court, the total salary of the respondent-husband is Rs.1,65,988/- per month and his total package per annum is Rs.19,91,856/-. He is working as a Technical Manager in HCL Tech (HCL Technologies Limited). It is further argued that the amount of permanent alimony granted to the appellant-wife for her sustenance and to meet out the high rentals, maintenance of the child, his medical and educational expenses, is very much on the lower side. It is further argued that the income of the appellant-wife has wrongly been assessed by the learned Family Court, and it has wrongly been observed that she was earning Rs.40,000/- by imparting tuitions. It is argued that earlier, she had been imparting the tuitions, but she had given up so as to take care of the minor child. It is also argued that the respondent-husband has stopped paying Rs.27,000/- as maintenance to the appellant in the proceedings under Section 125 of the Code of Criminal Procedure, 1973 (for short 'the Cr. P.C.) as the decree of divorce granting permanent alimony has come into force; and therefore, the learned Family Court ought to have taken the said fact into consideration. It is further argued that while deciding the issue of permanent alimony, the learned Family Court has failed to notice the social and financial status of the respondent-husband. Accordingly, a prayer has been made for enhancement of the permanent alimony to the tune of Rs.95 lakhs.

4. We have heard learned counsel for the appellant-wife and have also gone through the impugned judgment and decree.

5. The only question that arises for consideration is whether the amount of permanent alimony awarded by the learned Family Court requires interference by this Court.

6. The finding of the learned Family Court as regards the appellant-wife working as a Support Engineer III in the Conduent Business Services India LLP and drawing a salary of Rs.62,858/- per month, has not been denied. The said fact was proved on record by way of Annexure P-2. As noticed above, learned Family Court had granted an amount of Rs.18 lakhs as permanent alimony to the appellant-wife while observing as under:-

“24. The respondent has appeared as RW1 and in cross-examination she has admitted that maintenance has already awarded by the Court under section 125 Cr.P.C. at the rate of Rs.27000/- per month. The respondent has admitted that she has already received maintenance to the extent of Rs.22,60,000/-. Perusal of salary slip Ex. RA shows that the respondent is getting net salary of Rs.62858/- per month, while perusal of salary slip Ex. PA shows the petitioner has net salary of Rs.1,65,988/- per month. The respondent is also maintaining minor. It is not in dispute that the petitioner has the legal obligation as also the financial capacity to maintain his wife after dissolution of marriage. It is also necessary to ensure that the award of maintenance or permanent alimony should not be penal but should be for the purposes of ensuring a decent living standard for the wife. Considering the material on record, the factors stated above, the considerations noted herein, and the arguments advanced by the learned counsel on both sides and in the interest of justice, the respondent will entitled to Rs.18,00,000/- (rupees eighteen Lakh only) as permanent alimony.....”

7. We find that the learned Family Court has observed that the respondent-husband was also maintaining the minor child. The permanent alimony has been granted only to the appellant-wife. The question of maintaining the minor child and bearing his expenses has not been decided by way of permanent alimony. Rather, the fact remains that the respondent-husband is legally bound to maintain the minor child and to meet out the

expenses incurred by him, may be on proportionate basis. The contention of the learned counsel for the appellant-wife that the aforesaid amount of permanent alimony is on the lower side, is bereft of any merit for the reason that she herself was earning and the said fact has not been denied by her.

8. We find that the order passed by the learned Family Court does not suffer from any illegality or perversity, which may warrant interference by this Court.

9. Dismissed.

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

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

March 24, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No