

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CMM No.156 of 2013 and
FAO-M-121 of 2013**

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Naresh Kumar v. Suman Rani @ Rama Sharma

PRESENT: Mr. Rahul Rampal, Advocate for the appellant.

Mr. M.S. Sidhu, Advocate for the respondent.

CMM No. 156 of 2013

1. This is an application under Section 24 of the Hindu Marriage Act, 1955 (in short "the Act") filed by the respondent-wife for grant of maintenance pendente lite and litigation expenses.

2. There was a matrimonial dispute between the parties. The appellant-husband filed a petition under Section 13 of the Act for dissolution of marriage by a decree of divorce. The trial court on appreciation of evidence led by the parties, dismissed the divorce petition vide judgment and decree dated 27.2.2013 against which the instant appeal has been filed by the appellant-husband. The respondent-wife has filed the present application under Section 24 of the Act for maintenance pendente lite and litigation expenses during the pendency of the appeal pleading that she has no source of income and is living at the mercy of her parents. On the other hand, the appellant is doing the business of sale and purchase of auto parts of vehicles and is earning ₹ 50,000/- per month. Apart from this, the appellant also owns plots and residential house and is also constructing a new house at Dugri, Ludhiana. She prayed for maintenance allowance at the rate of ₹ 18,000/- per month and ₹ 25,000/- as litigation expenses.

3. Notice of the application was issued. Reply has been filed

controverting the averments made in the application. It was pleaded that both the children are living with the appellant. His son Abhishek Sharma is doing the course of B.Tech whereas the daughter Arju Sharma is studying in 10+1 class. He is bearing all the expenses for the upbringing of the children. It was further pleaded that the Court of Judicial Magistrate had awarded a sum of ₹ 3500/- per month as maintenance to the respondent-wife in the application filed under Section 125 of the Code of Criminal Procedure which was affirmed by the Sessions Judge in an appeal filed by the appellant. The amount of maintenance was reduced to ₹ 2000/- per month by this Court vide order dated 13.3.2013 (Annexure A-1) in a petition filed by the appellant. The appellant prayed for dismissal of the said application.

4. We have heard learned counsel for the parties.

5. Keeping in view financial position of the appellant-husband, the status of the respondent-wife being dependent on her old parents and the overall facts and circumstances of the case, the award of ₹ 2000/- per month as maintenance pendente lite in proceedings under Section 125 of the Code of Criminal Procedure to the respondent-wife as ordered by this Court vide order dated 13.3.2013 (Annexure A-1) in CRM-M-15401 of 2012 is maintained as maintenance pendente lite under Section 24 of the Act from the date of filing the application during the pendency of the appeal in this Court. The litigation expenses had already been paid to the respondent vide order dated 5.8.2013 passed by this Court. However, the amount of ₹ 2,000/- per month as maintenance pendente lite granted under Section 125 of the Code of Criminal Procedure to the respondent shall be adjusted towards the

amount payable to her under the present application.

6. CMM stands disposed of accordingly.

FAO-M-121 of 2013

Heard.

Admitted.

**(AJAY KUMAR MITTAL)
JUDGE**

January 30, 2015
gbs

**(SNEH PRASHAR)
JUDGE**