

2025:PHHC:012057-DB



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

FAO-435-2025 (O&M)

Date of decision:- 27.01.2025

NARENDRA @ KALA

.....Appellant

Versus

SUNITA

.....Respondent

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

Present:- Mr. Tarun Hans, Advocate for the appellant.

SUDHIR SINGH, J.

CM-1454-CII-2025

For the reasons given in the application, the same is allowed and delay of 17 days in filing the appeal is condoned, subject to all just exceptions.

FAO-435-2025

Challenge in the present appeal is to the order dated 03.10.2024 passed by the learned Principal Judge, Family Court, Camp Court at Hansi, District Hisar (for short 'the Family Court'), whereby an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent-wife was allowed holding her entitled to an amount of Rs.5,000/- per month as

maintenance *pendente lite* besides a sum of Rs.5100/- as litigation expenses.

2. In the petition filed under Section 13 of the Act, the respondent-wife had filed a aforesaid application stating therein that she was doing a petty job of Rs.6,000/- per month on temporary basis, whereas she had to maintain herself and also to pay the monthly rent for her accommodation. It was further pleaded by her that she had no source of income, whereas on the other hand, the appellant-husband was having an agriculture land of 10 acres and besides that he was also cultivating 20 acres of land on contract basis and, thus, he was earning a sum of Rs.60,000/- per month. The aforesaid application had been contested by the appellant-husband contending therein that respondent-wife was working in a private school at Rohtak and fetching a salary of Rs.7,000/- per month and besides that she was also getting a sum of Rs.2700/- from Mahila Samaj Kalyan Vibhag and Rs.2,000/- per month in the proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005. It was further averred that the appellant-husband was unemployed and was a cardiac patient.

3. The learned Family Court, after considering the rival contentions, assessed the monthly income of the appellant between Rs.25,000/- and Rs.30,000/- and awarded the maintenance *pendente lite* to the respondent-wife, as noticed above.

4. Learned counsel for the appellant-husband has vehemently argued that the parties have been living separately since

1995 and that it has come on record that the appellant-wife is getting Rs.11,000/- per month (i.e. Rs.6,000/- as salary while working as a Peon in a private school at Rohtak; Rs.2,000/- as maintenance granted in the Protection of Women from Domestic Violence Act and Rs.3,000/- per month as Besahara Pension) and that the said amount is sufficient enough for her maintenance. It is, thus, contended that the learned Family Court is not justified in granting maintenance *pendent lite* to the respondent-wife, as noticed above.

5. We have heard the learned counsel for the appellant and have also gone through the impugned order.

6. The only question that arises for consideration by this Court is whether the order passed by learned Family Court, requires any interference.

7. While holding the respondent-wife entitled to the maintenance *pendente lite* as awarded above, the learned Family Court has taken into consideration the fact that with the meagre income, she was not able to maintain herself. We also find that the maintenance granted by the learned Family Court, is neither on the higher side nor excessive. It has come on record that the job of the respondent-wife is purely temporary in nature. The relationship between the parties is not disputed and so is the factum of them living separately since 1995. In our opinion, the impugned order does not suffer from any patent illegality or perversity.

8. No other point has been urged.

9. In view of the above finding no merit, the present appeal is dismissed.

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

**[SUDHIR SINGH]
JUDGE**

**[SUKHVINDER KAUR]
JUDGE**

27.01.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No