



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

**FAO-1605-2025 (O&M)
Date of decision: 17.03.2025**

Nikhil Sharma

.....Appellant

Versus

Divya

.....Respondent

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

Present: Mr. Saurabh Dalal, Advocate,
for the appellant.

SUDHIR SINGH J.

Challenge in the present appeal is to the order dated 12.12.2024 passed by learned Principal Judge, Family Court, Jhajjar, Camp Court, Bahadurgarh (for short the 'Family Court'), whereby, on an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent-wife, she has been held entitled to an amount of Rs.20,000/- per month as maintenance *pendente lite* besides litigation expenses of Rs.5500/-.

2. In a divorce petition filed by the appellant-husband, the respondent-wife had moved the aforesaid application asserting therein that she had no source of income, whereas, the appellant-husband was a contractor and was running a Firm under the name and style of N.V. Associates. It was further pleaded that the appellant-husband was having an

income of Rs.3,00,000/- per month from the above stated sources. She had accordingly, claimed an amount of Rs.1,00,000/- per month as maintenance *pendente lite*, besides litigation expenses of Rs.55,000/-.

3. The aforesaid application had been contested by the appellant-husband by stating that the respondent-wife had left the matrimonial house at her own wish. It was further asserted that the respondent-wife was well qualified having the degrees of B.A. and B.Ed. and that she was serving as teacher in a private school. She was getting a salary of Rs.20,000/- per month. Apart from that, she was also earning Rs.15,000/- per month by rendering tuition to the students. It was denied that the appellant-husband was having income from business and other properties, as alleged by the respondent-wife. It was further stated that the alleged firm was running in loss.

4. On the basis of the income of the appellant-husband, learned Family Court has awarded the maintenance amount to the respondent-wife, as noticed above.

5. Learned counsel appearing on behalf of the appellant-husband has vehemently argued that the learned Family Court has passed the impugned order on the basis of assumptions and presumptions inasmuch as the Family Court has not considered the fact that the respondent-wife is a well qualified lady working as a school teacher. She was also earning by rendering tuitions to the students. It was further argued that during her stay at the matrimonial house, the

behaviour of the respondent-wife was cruel towards the appellant-husband and his family members. She used to misbehave with the appellant-husband and never had an intention to settle with him at the matrimonial house. Learned counsel for the appellant-husband has further argued that the learned Family Court has wrongly assessed the income of the appellant between Rs.1,50,000/- to Rs.1,70,000/- per month, as his firm is running in loss. It is thus, argued that the respondent-wife is not entitled to any maintenance from the appellant-husband due to her own act and conduct.

6. We have heard the learned counsel for the appellant-husband and have also gone through the impugned order.

7. Learned Family Court, while holding the respondent-wife entitled to the maintenance amount, as noticed above, has found that the appellant-husband is having a house measuring 250 sq. yards worth Rs.50,00,000/-. It was further found that in the income tax return of the appellant-husband for the Financial Year 2021-22, he had disclosed an income of Rs.13,31,337/-. It was further found that the respondent-wife being MBA/B.Ed was also capable to fetch her livelihood, though to some extent. It was further found that she could not be allowed to sit idle in the home while claiming the entire maintenance from the appellant-husband.

8. Learned counsel for the appellant-husband could not show that the respondent-wife has any source of income,

as alleged by him. She requires some reasonable amount for her sustenance. It is settled law that at the time of adjudicating the application under Section 24 of the Act, the Court is required to take into consideration parallel sources of income of the parties. We find that the learned Family Court has taken into consideration the said aspect of the matter and has rightly passed the impugned order.

9. In view of the above, we do not find any illegality in the impugned order, which warrants any interference by this Court.

10. No other point has been urged.

11. Hence, the present appeal is dismissed.

12. However, at this stage, it may be observed that if the appellant is ready to settle the matter amicably with the respondent-wife, it will always be open for him to seek reference of the matter pending before the learned Family Court to the Mediation and Conciliation Centre at the level of Family Court itself.

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

**(SUDHIR SINGH)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

17.03.2025

Ajay Prasher

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No