

219 CMM-115-2015 in
 FAO-M-331-2014

AMIT KUMAR V/S CHANCHAL RANI

Present: Mr. B.P.S. Virk, Advocate
 for the applicant-respondent.

 Mr. Satpal Singh, Advocate
 for the appellant-non-applicant.

 This order will dispose of an application under Section 24 of the Hindu Marriage Act filed by the respondent-applicant-wife.

 The petition filed by the non-applicant-husband for divorce has been dismissed by the lower court. During pendency of this appeal before this Court, the present application has been filed claiming that the applicant-respondent has got no source of income, whereas the husband is employed and was drawing salary of ₹ 24,000/- per month in the year 2013. She claims that she should be awarded ad interim maintenance of ₹ 15,000/- per month and sum of ₹ 20,000/- as litigation expenses.

 The non-applicant-appellant has, in his reply, denied the fact that the wife-applicant was not working. It is claimed that she was earning ₹ 10,000/- to ₹15,000/- per month. He has leveled allegations of harassment against the applicant-wife but has not denied his income and claimed that he has got responsibility to look after his own father.

 On the asking of the Court, learned counsel for the applicant-wife informs that in proceedings under Section 125 Cr.P.C., the wife has been awarded sum of ₹ 5,000/- per month as maintenance, whereas the child has been awarded maintenance at the rate of ₹ 3,000/-

per month. It is claimed by the counsel for the applicant-wife that the husband is working as a Senior Executive in HDFC Bank but no document has been placed on record indicating the actual income of the husband. A copy of the statement made by the non-applicant/husband in his cross-examination that he is drawing a sum of ₹ 29,000/- per month as salary has been made available which is taken on record. The said statement was recorded on 12.05.2017 in the court of Civil Judge (Senior Division), Patiala.

Without going into the details of the actual income of the non-applicant/husband, we are of the opinion that he is an able bodied person and is earning more than sum of ₹ 30,000/- per month. It is his statutory duty to pay the maintenance pendente lite to his wife during the pendency of the matrimonial litigation. The applicant-wife is shouldering the responsibility of the minor child alone. Therefore, we are of the opinion that a sum of ₹ 12,000/- per month is the bare minimum, which is required to be paid by the husband/non-applicant to the applicant-wife towards the maintenance pendente lite with effect from the date of application i.e. June 2015. She is also held entitled to litigation expenses of ₹ 20,000/-. It is made clear that any amount of maintenance paid in proceedings under Section 125 Cr.P.C. for the said period, will be deductible from the amount of maintenance awarded by this Court.

The application is allowed in the above terms.

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A sum of ₹ 20,000/- has already been paid towards the interim litigation expenses. The appellant-husband will not be required to pay the said amount again.

For payment of the entire arrears of maintenance pendente lite, adjourned to 17.09.2018.

**(M.M.S. BEDI)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

09.07.2018.
SwarajitS