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

FAO-215-2025 (O&M)

Date of decision: February 10, 2025

Amit Jangra

....Appellant

versus

Deepika

....Respondent

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

Present:- Mr. Rajat Mor, Advocate for the appellant.

SUDHIR SINGH, J. (ORAL)

Challenge in the present appeal is to the order dated 07.11.2024 passed by learned Additional Principal Judge, Family Court, Rohtak (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, has been allowed, and she has been awarded a sum of Rs.40,000/- per month as maintenance *pendente lite*, besides litigation expenses of Rs.11,000/-.

2. In a petition under Section 9 of the Act, filed by the respondent/wife, she had also filed the aforesaid application, *inter alia*, averring therein that she had no source of income. She was also taking care of her minor girl child of about 8 months and was living at the mercy of her parents. It was averred that the appellant/husband was

Bachelor of Technology from IIT Roorkee and was serving as Senior Application Engineer in Ansys (U.S based company) at Sector 126, Noida, Uttar Pradesh, and was earning Rs.41 lakh per annum. The appellant/husband had no liability except the respondent/wife and the minor girl. Thus, the respondent/wife had claimed Rs.1,00,000/- per month as maintenance *pendente lite*, Rs.25,000/- for minor girl and Rs.25,000/- for house arrangement.

3. The said application was contested by the appellant/husband contending that the respondent/wife was not entitled to maintenance due to her own act and conduct of cheating the appellant/husband by concealing her pre-existing ailment. The respondent/wife had herself left the society of the appellant. He denied earning of Rs.41 lakh per annum, and submitted that in fact, his salary was Rs.1,50,000/- per month and he also had a financial liability of Rs.80,000/- per month towards repayment of loan, including the housing loan. He was also paying Rs.30,000/- per month to the respondent/wife and minor girl as interim maintenance in the proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act'). The respondent/wife was more qualified (M.Tech in Electronics and Communication Engineer) than the appellant/husband and was skilled, competent and capable of earning handsomely.

4. The learned Family Court has allowed the application filed by the respondent/wife, as noticed above.

5. Learned counsel for the appellant/husband vehemently contends that while passing the impugned order, learned Family Court

has ignored the factum of interim maintenance of Rs.30,000/- per month already granted to the respondent/wife in the proceedings under the DV Act. It is further argued that as the respondent/wife is more qualified than the appellant/husband, she can very well earn to maintain herself. It is also argued that the respondent/wife is not entitled to any maintenance amount as she had concealed the factum of her pre-existing ailment from the appellant/husband.

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

7. It was found by the learned Family Court that the respondent/wife had no source of income, and that regarding the allegation of the appellant/husband with respect to higher qualification and earning capability of the respondent/wife, he had not placed on record any evidence to *prima facie* substantiating the same. The appellant/husband had himself mentioned his monthly income as Rs.1,90,000/- in the affidavit of assets and liabilities. It was also admitted fact that minor girl was in the custody of the respondent/wife. The factum of grant of Rs.30,000/- as interim maintenance in the proceedings under the DV Act was also taken into consideration by learned Family Court. It was also observed by the learned Family Court that the amount awarded in the present proceedings shall be adjustable against the amount awarded in related proceedings between the parties.

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

9. No other point has been urged.

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10. Hence, the present appeal is dismissed.
11. Pending application(s), if any, shall stand disposed of.

**(SUDHIR SINGH)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

February 10, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No