

Mukti Vs Jal Singh

PRESENT None for the appellant.

**Mr.Surinder Dagar, Advocate,
for respondent.**

Divorce petition filed by appellant Mukti had been dismissed by the Additional District Judge, Nuh, vide order judgment and decree dated 2.1.2012.

During pendency of her appeal, appellant-wife has filed an application under Section 24 of the Hindu Marriage Act, pleading that she be awarded maintenance pendent lite as the respondent-husband has not paid any amount towards the maintenance in proceedings under Section 125 Cr.P.C. wherein the respondent-husband absented himself and, she being an illiterate lady, is incapable of earning.

Counsel for the respondent-husband has submitted that the respondent-husband has not contacted him despite messages having been sent to him. In view of above circumstances, reply to the application under Section 24 of the Hindu Marriage Act, has not been filed.

We do not find any ground to defer the adjudication of the application under Section 24 of the Hindu Marriage Act, which had been filed as back as in April 2016, by the appellant-wife. A perusal of the application under Section 24 of the Hindu Marriage Act, indicates that income of the respondent-husband has not been specifically mentioned and the application is vague so far as the amount claimed is concerned.

In view of said circumstances, we are left with the option

to assess the income of the respondent-husband on the basis of the fact that he is an able bodied person capable of earning even by doing labour work. Presuming that as a labourer, the respondent-husband can earn a minimum amount of Rs.12,000/- to Rs.13,000/- per month, application under Section 24 of the Hindu Marriage Act, is allowed and a sum of Rs.3,000/- per month which is considered to be bare minimum to enable the appellant-wife to survive, is awarded as maintenance pendente lite w.e.f. the date of application i.e. April 2016. Litigation expenses to the tune of Rs.20,000 are also awarded. A sum of Rs.11000/- earlier paid towards litigation expenses will be deductible from the amount of Rs.20,000/- awarded as litigation expenses today.

For payment of entire arrears of maintenance pendent lite calculated upto 31.1.2018 as well as remaining litigation expenses, adjourned to 23.1.2018.

Counsel for the respondent-husband is directed to send copy of the order to the respondent-husband by registered post for compliance on next date of hearing.

(M.M.S. BEDI)
JUDGE

December 6, 2017.
raj arora

(AUGUSTINE GEORGE MASIH)
JUDGE