



116

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1078-2025 (O&M)

Date of decision: February 28, 2025

Satnam Singh

....Appellant

versus

Daljit Kaur and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. G.S. Brar, Advocate for the appellant.

SUDHIR SINGH, J. (ORAL)

Challenge in the present appeal is to the order dated 25.11.2024 passed by learned Additional Principal Judge, Family Court, Amritsar (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, the respondent/wife has been granted maintenance allowance @ Rs.10,000/- per month, besides litigation expenses of Rs.3,300/-.

2. In a petition under Section 13 of the Act, filed by the appellant/husband, the respondent/wife had filed the aforesaid application, *inter alia*, averring therein that she had no source of income to maintain herself, and the appellant/husband was willfully neglecting her. The appellant/husband being in Indian Army and posted in remote glacier area, was getting salary more than Rs.1,20,000/- per month, besides availing other additional benefits. It was also averred that the appellant/husband had no other liability except maintaining the

respondent/wife. Thus, the respondent/wife had claimed Rs.50,000/- per month as maintenance *pendente lite* along with litigation expenses of Rs.55,000/-.

3. The said application was contested by the appellant/husband contending therein that the respondent/wife was living an adulterous life, while the appellant/husband was posted in extreme conditions in remote Glacier area. The respondent/wife had also sold the plot purchased by the appellant/husband and spent the entire money to enjoy her aforesaid adulterous life. The appellant/husband was taking care of education and boarding school facilities of his both the children. Apart from that, he had liability to take care of his old aged parents as well. It was further averred that though the appellant/husband was getting the aforesaid salary, yet the same was not sufficient for him to survive at his posting in the advance area of Glacier.

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

5. Learned counsel for the appellant/husband has vehemently contended that while passing the impugned order, the learned Family Court has not taken into consideration the fact that the respondent/wife was living an adulterous life and therefore, she was not entitled to any maintenance. It is further argued that the appellant/husband has responsibilities of his children, whose education and boarding school expenses, are being borne by him only, and further, he had also to take care of his old age parents. It is, thus, argued that the impugned order suffers from patent illegality and the same is liable to be set aside.

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

7. The factum of marriage and birth of the children is not disputed. As regards, the allegations of the respondent/wife living an adulterous life, it was

FAO-1078-2025 (O&M)

found by the learned Family Court that there was nothing on record to substantiate said allegations except one *panchayatnama* issued by the Gram Panchayat. From the affidavit produced by the appellant/husband in respect of income, expenditure and assets, it was found that the appellant was earning Rs.80,000/- per month. Learned Family Court, after considering all the aspects, awarded a sum of Rs.10,000/- per month as maintenance *pendente lite* to the respondent/wife, which seems to be just and proper. It was, however, held by the learned Family Court that the maintenance was subject to the condition that in case, the respondent/wife was found living an adulterous life, at subsequent stage, she would be liable to refund the maintenance amount along with interest, to the appellant/husband.

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

9. No other point has been urged.

10. Hence, the present appeal is dismissed.

11. However, it is expected of the learned Family Court to expedite the proceedings under Section 13 of the Act pending before it and conclude the same, at the earliest.

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

**(SUDHIR SINGH)
JUDGE**

**(JASJIT SINGH BEDI)
JUDGE**

February 28, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No