

2025:PHHC:013175-DB



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

FAO-1138-2024 (O&M)

Date of decision:- 29.01.2025

Navan

.....Appellant

Versus

Lt. Col. Manmeet Singh Dhillon

.....Respondent

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

Present:- Mr. Vishal Aggarwal, Advocate and
Mr. Manjot Singh, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 07.02.2024 passed by the learned Additional Principal Judge, Family Court, Patiala, Camp Court, Samana (for short 'the Family Court'), whereby while disposing of an application under Section 24 of the Act (for short 'the Act') filed by the appellant-wife, she was held entitled to a consolidated sum of Rs.21,000/- as costs of litigation to her.

2. In the divorce petition filed by the respondent-husband, the appellant-wife had moved the aforesaid application contending therein that the respondent-husband was posted as Lt. Col. in the Army and getting a salary of more than Rs.2,00,000/- per month whereas, the appellant-wife had no source of income nor she had been

possessed of movable or immovable property for her sustenance. Thus, she had claimed an amount of Rs.1,00,000/- per month as maintenance *pendente lite* for herself and the minor child of the parties, besides claiming Rs.1,00,000/- as litigation expenses.

3. The said application had been contested by the respondent-husband contending therein that the appellant-wife was earning a good monthly income from the business of shares and stocks.

4. The learned Family Court has disposed of the application filed by the appellant-wife, as noticed above.

5. Learned counsel for the appellant-wife has argued that though she was already in receipt of the maintenance amount under Section 125 Cr.P.C., yet the fact remains that the same is not sufficient for her sustenance or that of the minor child. It is further argued that while passing the impugned order, the learned Family Court has wrongly declined to grant any maintenance to her for the reason that she was already getting maintenance in the proceedings under Section 125 Cr.P.C. It is further argued that the respondent-husband did not dispute his income and him working as a Lt. Col. in the Army. It is, thus, argued that the impugned order may be set aside qua decline of the maintenance *pendente lite* amount and the appellant-wife be awarded a suitable maintenance amount under Section 24 of the Act.

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

7. The only question that arises for consideration by this Court is whether the order passed by learned Family Court, requires any interference.

8. A perusal of the impugned order would show that the learned Family Court has noticed that in the petition under Section 125 Cr.P.C., the appellant-wife has been awarded a sum of Rs.25,000/- per month for herself and Rs.15,000/- per month for the minor child. Thus, it was observed that the said amount was sufficient and reasonable for the sustenance of the appellant-wife and no separate order for grant of maintenance *pendente lite* over and above the said amount, was warranted. Accordingly, only litigation costs of Rs.21,000/- has been ordered to be paid to the appellant-wife.

9. From the observations made by the learned Family Court, it emerges that the appellant-wife has already been awarded a sum of Rs.25,000/- per month in her favour and Rs.15,000/- per month to the minor child as interim maintenance in the proceedings under Section 125 Cr.P.C. The said fact indicates that the proceeding under Section 125 Cr.P.C., are yet to attain finality. Though, there is no hindrance as regards the right of the appellant-wife to claim maintenance *pendente lite* under Section 24 of the Act on parallel basis, yet the fact remains that she has already been granted sufficient interim maintenance in the proceedings under Section 125 Cr.P.C., we find that no case for interference is made out.

10. So far as the contention of the learned counsel for the appellant as regards the respondent-husband being in arrears and huge maintenance amount, we may observe that the appellant-wife, if so

advised, is at liberty to avail her remedy, including the execution proceedings against the interim maintenance awarded to her.

11. No other point has been urged.

12. In view of the above finding no merit, the present appeal is dismissed.

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

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

29.01.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No