

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****248****CR-4551-2022(O&M)****Date of decision: 26.03.2025****Manju Bala****...Petitioner(s)****Vs.****Raj Kumar****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Petitioner in person.

Mr. Hritik Gupta, Advocate  
for the respondent.

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**NIDHI GUPTA, J.****CM-11896-CII-2023**

This is an application under Section 151 CPC for placing on record Annexures P11 and P12.

After going through the contents of the application, which is supported by affidavit of the applicant/petitioner, the same is allowed subject to all just exceptions and Annexures P11 and P12 are taken on record.

**MAIN CASE**

Present petition under Article 227 of the Constitution of India is filed seeking setting aside of order dated 10.08.2022 passed by the learned Additional Principal Judge, Family Court, Hisar vide which application filed by the petitioner/wife under Section 24 of the Hindu



Marriage Act for grant of maintenance pendente lite has been ordered to be dismissed.

2. The petitioner appearing in person inter alia submits that the application of the petitioner under Section 24 of the Hindu Marriage Act for grant of maintenance pendente lite was dismissed by the learned Family Court primarily on two grounds: a) that the petitioner had been held not entitled to maintenance under Section 125 Cr.P.C. by the learned Family Court; and b) that the petitioner was receiving pension of Rs.2,500/- per month from the Haryana Government.

3. The petitioner appearing in person submits that both the aforesaid grounds for rejection of the application of the petitioner for grant of maintenance pendente lite, are unsustainable. It is submitted that the petitioner was denied maintenance under Section 125 Cr.P.C. due to the fact that she was receiving pension of Rs.2,500/- per month. It is submitted that however, the learned Court below has failed to take note of the fact that as the said pension which was being received by the petitioner was discontinued vide order dated 21.06.2023 (Annexure P12). In any event, the dismissal of the petition under Section 125 Cr.P.C. has been challenged by the petitioner before this Court by way of CRR-F-359-2021, which is still pending before this Court. As such, the impugned order is based on incorrect premise and deserves to be set aside.



4. Per contra, learned counsel for the respondent/husband opposes the prayer made on behalf of the petitioner and submits that the respondent is a poor labourer earning only Rs.6,000/- per month; whereas the petitioner is a well-qualified lady being PGDCA B.Ed. The respondent was married to the petitioner barely for 10 days. No child is born out of their wedlock. Moreover, the petitioner was previously married which marriage was dissolved with mutual consent whereupon the petitioner had received settlement amount of Rs.7 lakh. It is accordingly prayed that the present petition be dismissed.

5. No other argument is made on behalf of the parties.

6. I have heard learned counsel for the petitioner in person and ld. counsel for the respondent and given by thoughtful consideration to the rival submissions advanced on behalf of both the parties.

7. I find no merit in the submissions made by the petitioner. Perusal of record of the case shows that the petitioner was married to the respondent on 01.02.2017; and they are living separately since 10.02.2017. No child is born out of their wedlock. Admittedly, the petitioner is also qualified being PGDCA B.Ed. This fact is evident from the educational and professional qualifications as mentioned by the petitioner in her Affidavit of Income, Assets and Liabilities (Annexure P4) before the learned Additional Principal Judge, Family Court, Hisar. On the other hand, as per the Affidavit of Income, Assets and Liabilities filed by the respondent



(Annexure P5), he is BA 1<sup>st</sup> year and is working as a labourer earning Rs.6,000/- per month. As per the Affidavit of the respondent, the petitioner is also giving *"...tuition of Computer education and is getting handsome salary and also is getting Widow Pension from the Government amounting Rs.2500/- per month according to online print of pension ID of concerned Departments."*

8. The petitioner has further admitted in her Affidavit (Annexure P-4), that she has monthly expenses of Rs.30,000/- per month; that she is getting Rs.2,500/- per month as Besahara Pension. However, it remains undisputed between the parties that vide order dated 21.06.2023 (Annexure P12), the Besahara Pension being given to the petitioner has been discontinued. It is also undisputed on record that the petitioner is previously married to one Bajrang Singla in the year 2010 and the said marriage was subsequently dissolved with mutual consent after 5 years; whereupon the petitioner had received Rs.7 lakh as settlement amount.

9. Further, it has been incorrectly submitted by the petitioner before this Court that the petition filed by her under Section 125 Cr.P.C. was dismissed as she was receiving pension of Rs.2,500/- per month. In the said petition the petitioner had alleged that the respondent had refused and neglected to maintain her; that she was left at her parental home by the respondent and his brother after 10 days of marriage; that the respondent is impotent; that demand of dowry was raised by the



respondent and his family members. However, a perusal of the said order dated 17.09.2021 (Annexure P6) shows that the petition filed by the petitioner under Section 125 Cr.P.C. was dismissed as upon leading of evidence by the parties, all the above said allegations made by the petitioner were found to be false. Upon evidence it was found that the petitioner had left the matrimonial home of her own free will. It was also found that there was no medical evidence to prove that the petitioner was given severe beatings by the respondent and his family. Even allegations of dowry demand were not prima facie established as except for the bald statement of the petitioner in this regard there was no evidence led by her to substantiate the same. Medical examination of the respondent was carried out as per which he was not found to be impotent. From the above evidence, the learned Family Court concluded that the petitioner had left the matrimonial home of her own accord, and was therefore, not entitled to maintenance under Section 125 Cr.P.C.

10. It is also undisputed on record that the respondent has been acquitted by the learned Judicial Magistrate, 1<sup>st</sup> Class, Hisar vide order dated 17.02.2025 in case FIR No.116 dated 13.05.2017 registered against him by the petitioner under Sections 323, 406, 498-A and 506 IPC at Police Station Uklana.

11. Reasons given in the impugned order dated 10.08.2022 are as follows: -



*“9. The present petition has been filed by Manju Bala against her husband Raj Kumar under Section 13 of the Hindu Marriage Act seeking dissolution of the marriage by way of decree of divorce. The marriage between the parties to the petition was solemnized on 01.02.2017 as per Hindu Rites and Ceremonies. It is admitted fact that no child was born out of this wedlock. The parties have also admitted this fact that they are residing separately for the last several years. The applicant has claimed to be unemployed and fully dependent upon her parents whereas a perusal of her bank account and affidavit of assets and liabilities reveals that she is getting pension of Rs. 2,500/- per month in her account. The averments made by the applicant regarding the income of the respondent are not even prima facie proved. Moreover, the respondent has placed on record copy of order passed by this Court in a petition under Section 125 Cr. P.C. wherein she was declined relief of maintenance as she has left the matrimonial home of her own without any sufficient reason or excuse. The applicant is having pension income, therefore, it cannot be said that she is unable to maintain herself. Accordingly, the application in question is hereby dismissed. However, the applicant is held entitled to one time litigation expenses to the tune of Rs. 5,500/-. Application is disposed of accordingly.”*

12. No doubt, the petitioner is no longer receiving any pension. However, given the fact that the petitioner is admittedly a very well-qualified lady being PGDCA B.Ed.; and has admitted in the Court that she is not invalid; and has also admitted that she is not working; and has



also admitted that she has no other responsibilities as there is no child out of the wedlock; it has also been admitted by the petitioner that she was previously taking tuitions and was teaching in Oxford School; therefore, no valid reason is made out as to why the petitioner has chosen not to work..

13. In these above facts, reference may be made to judgment of the Karnataka High Court in “**Smt. Shilpashree J. M. & Others Vs. Gurumanjunatha A.S. & Others**”, 2023 SCC OnLine Kar 36, Law Finder Doc ID # 2260157, wherein it has been held as under:-

*“8. The records also disclosed that before marriage petitioner No.1 was working as is evident from her cross examination. Her cross examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also*



legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband".

(Emphasis supplied)

13. Reference may also be made to judgment of High Court of Delhi in **"Anju & Anr. Vs. Rinku Dahiya"** Law Finder Doc ID # 2349279, wherein it has been held as under:-

*"11. We observe that in the present case, where both the spouses are equally qualified and are earning equally, interim maintenance cannot be granted to the wife under Section 24 of the Act. The object of Section 24 of the Act is to ensure that during the matrimonial proceedings under HMA either party should not be handicapped and suffer any financial disability to litigate only because of paucity of source of income. The provision for interim/pendent lite maintenance has been made only to help either spouse to sail through the litigation expenses and also to ensure that they are able to live comfortably. The proceedings under Section 24 of the Act are not intended to equalize the income of both the spouses or to give an interim maintenance which is commensurate to maintain a similar life style as the other spouse as has been observed by this Court in the case of **K.N. V. R.G MAT. APP.(FC) 93/2018 decided on 12.02.2019.**"*

(Emphasis supplied)

14. In similar circumstances, the Hon'ble Supreme Court in case of **"Bhushan Kumar Meen v. Mansi Meen Alias Harpreet Kaur (SC)"**: Law Finder Doc Id # 547724, has held that *"However, having regard to*



*qualifications that Wife possesses, there is no reason why she ought not to be in a position to also maintain herself in future...".* Similar view has been taken in case of "**Anu Kaul vs. Rajeev Kaul (SC)**": **Law Finder Doc Id# 183207.**

15. It is my considered view that it is first and foremost duty of the petitioner to maintain herself. The ennobled purpose of the maintenance provisions is not to spawn idle wives, and to foist the entire burden upon the hapless husband; but is to protect abandoned wives *who are unable to maintain themselves* from vagrancy and destitution. In the present case, that is not so.

16. Furthermore, under Section 24 of the Hindu Marriage Act, maintenance pendente lite is payable to a spouse during matrimonial proceedings when a spouse lacks the independent income to support themselves. In the present case, during the pendency of the proceedings under Section 24 of the Hindu Marriage Act, admittedly, the petitioner had been receiving pension; which has been discontinued only thereafter vide order dated 21.06.2023.

17. In view of the above, present petition is **dismissed**.

18. Pending application(s) if any also stand(s) disposed of.

**26.03.2025**  
Sunena

**(Nidhi Gupta)**  
Judge

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No

2025:PHHC:041800

