

2025.PHHC:013786-DB



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

**FAO-4588-2024 (O&M)
Date of decision: 28.01.2025**

Anamika Sikri

.....Appellant

Versus

Atin Kumar

.....Respondent

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

Present: Mr.Prateek Sodhi, Advocate,
for the appellant.

Mr. Sarbjit Singh, Advocate,
for the respondent.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 14.08.2024 passed by the Additional Principal Judge, Family Court, Amritsar (for short 'the Family Court'), whereby an application under Sections 24/26 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the appellant-wife was disposed of by directing the respondent-husband to pay a sum of Rs.6000/- per month as maintenance in favour of minor son of the parties and Rs.4,400/- as litigation expenses.

2. During the pendency of a divorce petition filed by the respondent-husband under Section 13 of the Act, the appellant-wife had filed the aforesaid application for grant of maintenance of Rs.30,000/- per month for the minor son of the parties, asserting therein that the appellant-wife was

working as Manager in State Bank of India, Branch Harsha Chhina, Amritsar, whereas the respondent-husband was working as Branch Manager in State Bank of India, Branch Samote, District Chamba, Himachal Pradesh. They both were drawing identical salary of Rs.1,05,000/- per month approximately. It was further asserted that Reyansh (minor son of parties) was studying in Convent School at Amritsar and since both the parties were earning, they were liable to share the expenses incurred on the maintenance of their son.

3. The said application was contested by the respondent-husband contending therein that the appellant-wife was working as Senior Manager, Scale 3, in State Bank of India, whereas the respondent-husband was working as Deputy Manager, Scale 2, in the said bank. As such, being posted on the higher post, the appellant-wife was getting higher salary than the respondent-husband. It was further contended that both the parties had availed a joint home loan of Rs.81 Lakh and they were paying regular EMIs for that. It was further asserted that the respondent-husband had also availed a personal loan of Rs.6 Lakh (for both the parties) and that he was repaying the said loan solely. It was yet further asserted by him that he had to incur the expenses of Rs.10,000/- per visit to the Court, besides incurring the expenses on the journey to meet the child.

4. Both the parties filed affidavits regarding their income, assets and liabilities.

5. Learned Family Court, after taking into consideration the rival contentions and documents on record, granted the maintenance to the minor child, as noticed above.

6. Learned counsel appearing for the appellant-wife has argued that the amount of maintenance granted by the learned Family Court vide impugned order dated 14.08.2024, is on the lower side, as the respondent-husband himself is posted as Manager in the bank and he can afford to pay more than the awarded amount for the maintenance of the minor child. It is yet further argued that the appellant-wife has been solely taking care of the minor child since his birth and, therefore, the amount of maintenance granted by the learned Family Court in favour of the minor child is liable to be enhanced.

7. On the other hand, learned counsel appearing for the respondent-husband has argued that the impugned order passed by the learned Family Court does not require any interference, as the respondent-wife herself is holding a senior position in the bank and she can very well maintain the minor child. It is yet further argued that the appellant is contributing not only towards the repayment of the loans, but also taking care of the minor child.

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

9. The impugned order was also challenged by the respondent-husband by filing an appeal (FAO-439-2025)

claiming that the said order was not tenable in the eyes of law. However, the said appeal was dismissed by this Court vide order dated 27.01.2025.

10. The working status of the parties is not in dispute. Therefore, learned Family Court has given a finding that it is the joint liability of both the parents to maintain the minor child. Though, the appellant-wife had claimed maintenance of Rs.30,000/- per month for the minor son, yet taking into consideration the entirety of the facts and circumstances, the learned Family Court has rightly awarded a sum of Rs.6000/- per month in favour of minor child (Reyansh), besides directing the respondent-husband to pay litigation expenses of Rs.4400/-.

11. We find no illegality or perversity in the order passed by the learned Family Court.

12. In view of the above, we do not find any merits in the present appeal and the same is hereby, dismissed.

13. All pending applications (if any), shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

28.01.2025

Ajay Prasher

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No