

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 2464 of 2005
Date of Decision: 6.2.2007

Ravinder Singla ...Petitioner

Versus

Sangeeta SinglaRespondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Chetan Mittal, Advocate, and
Shri Vishal Garg, Advocate, for the petitioner.

Ms. Divya Sharma, Advocate, for the respondents.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 1.4.2005, whereby a sum of Rs.5500/- was awarded as maintenance pendente lite to the respondent under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act').

The respondent-wife filed a petition under Section 9 of the Act, for restitution of conjugal rights with the averments that the marriage between the parties was solemnised on 8.9.2002 at Hotel G.K. International, Sector 35, Chandigarh. It is also the case of the respondent that she was earlier married with one Anil Jain, who died on 15.3.2000 in an accident. Even the present petitioner is a widower having three children at the time of the said marriage.

In the said petition, the respondent-wife moved an

application for grant of maintenance pendente lite with the averments that the present petitioner is a man of means and his monthly income from business is Rs.50,000/-. Still further, he is getting rent of over Rs.27,000/- per month as 20% share in a showroom at Chandigarh.

The petitioner herein denied the marriage between the parties. However, the respondent produced 56 photographs of the ceremony held on 8.9.2002 at Hotel G.K. International, Chandigarh, to prove that the marriage had taken place between the parties. It is the case of the respondent that on 8.9.2002, it was an engagement ceremony and not a marriage ceremony and subsequently on 10.9.2002 by virtue of a writing, the engagement was broken.

The question whether there was a marriage between the parties on 8.9.2002 is a question which is required to be decided on the basis of evidence to be led by the parties. For the purposes of the considering the application under Section 24 of the Act, prima-facie, the photographs produced by the respondent-wife are sufficient to show that the marriage between the parties was solemnised. Still further, the petitioner is getting rent of Rs.27,400/- per month, from a show room at Chandigarh. The petitioner is also getting Rs.3000/- as rent of the first floor of the house and has an income of Rs.50,000/- per month from his work as builder. While considering an application under Section 24 of the Act, the status of the parties has to be kept in kind, therefore, even if the rental income of Rs.3700/- p.m. is taken into consideration, still, the amount of Rs.5500/- cannot be said to be excessive in any manner.

In view of the above, I do not find any patent illegality or irregularity in the impugned order, which may warrant

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interference by this Court in exercise of its revisional jurisdiction.

Hence, the present petition is dismissed.

06-02-2007
ds

(HEMANT GUPTA)
JUDGE