

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

C.R. No. 33 of 2015.

Decided on: 31.3.2015.

Surinder Kalia

.....Petitioner.

Versus

Parveen Kumari alias Shivani

.....Respondent.

Coram

The Hon'ble Mr. Justice Rajiv Sharma, Judge.

Whether approved for reporting?¹

For the petitioner: Mr. Naresh K. Sharma, Advocate.

For the respondent: Nemo.

Justice Rajiv Sharma, J.

This petition is instituted against the order dated 21.2.2015, rendered by the learned Addl. District Judge (I) Una, Distt. Una, H.P. in Civil Misc. Application No. 07/2015 in HMA No. 124 of 2014.

2. Key facts, necessary for the adjudication of this petition are that the petitioner has filed petition under Section 12(1)(d) of the Hindu Marriage Act, 1955, against the respondent. The marriage was solemnized between the parties on 10.11.2013 according to the Hindu rites and ceremonies. The respondent moved an application under Section 24 of the Hindu Marriage Act, 1955 for maintenance *pendent lite* and legal expenses. The application was contested by the petitioner. According to the averments made in the application, the petitioner herein was employed as taxi-driver and his monthly income was more than Rs. 30,000/- per month. It was also averred that the petitioner had been treating her with cruelty. She was forced to live with her parents. The learned Addl. District Judge, (I), Una District Una, H.P., has awarded a sum of Rs. 2500/- per month as maintenance *pendent*

¹ Whether reporters of the local papers may be allowed to see the judgment?

lite to the respondent. A sum of Rs 1500/- was also awarded to the infant child. A sum of Rs. 5000/- has been awarded as litigation expenses.

3. I have heard Mr. Naresh Kumar Sharma, Advocate, appearing for the petitioner and gone through the order dated 21.2.2015 carefully.

4. It is specifically averred in the application under Section 24 of the Hindu Marriage Act, 1955 that the petitioner herein is employed as a taxi-driver. This averment has not been denied by the petitioner. The respondent has stated that the total income of the petitioner was more than Rs. 30,000/- per month from all sources and the respondent has no source of income.

5. It is the duty of the petitioner to pay maintenance *pendent lite* to the respondent during the pendency of the proceedings. She has to travel to Una from a distance of about 30 kms. The child has also to be taken care of by the respondent. The petitioner is an able-bodied person and the Court can take judicial notice of the fact that his earnings would not be less than 15,000-20,000/- per month. The order dated 21.2.2015 is strictly in accordance with law. There is neither any illegality nor perversity in the order dated 21.2.2015, passed by the learned trial Court.

5. Accordingly, there is no merit in this petition, the same is dismissed.

March 31, 2015,
(karan)

(Rajiv Sharma),
Judge.