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

FAO-818-2025 (O&M)

Date of decision: February 28, 2025

Amandeep

....Appellant

versus

Komal

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Ravinder S. Budhwar, Advocate for the appellant.

SUDHIR SINGH, J. (ORAL)

Challenge in the present appeal is to the order dated 09.01.2025 passed by learned Principal Judge, Family Court, Ambala (for short the 'Family Court'), whereby an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent/wife, has been partly allowed, and the appellant/husband has been directed to pay the respondent/wife Rs.6,000/- per month as maintenance allowance, besides litigation expenses of Rs.7,000/-.

2. In a petition under Section 13 of the Act, filed by the appellant/husband, the respondent/wife had filed the aforesaid application, *inter alia*, averring therein that the appellant/husband was earning more than Rs.1,00,000/- from his business of A.C., Refrigeration, cooling for industrial establishment as well as transportation etc. The appellant/husband had no other responsibilities except maintaining the respondent/wife and her minor child,

who was in the custody of the respondent/wife. Thus, the respondent/wife had claimed Rs.50,000/- per month as maintenance *pendente lite* along with litigation expenses of Rs.33,000/-.

3. The said application was contested by the appellant/husband denying the allegations levelled by the respondent/wife. It was asserted that the respondent/wife herself had deserted the appellant/husband and that he had become disciple of Vrindawan Premanand Ji Maharaj and, thus, was not earning anything. He further averred that the respondent/wife was well qualified being a Bachelor of Commerce and doing stitching and embroidery work and therefore, she was capable of earning more than Rs.20,000/- per month. She was also imparting tuitions.

4. The learned Family Court has allowed the application filed by the respondent/wife, as noticed above.

5. Learned counsel for the appellant/husband has vehemently contended that once, it was pleaded by the appellant before the learned Family Court that he had become disciple of Swami Premanand Ji Maharaj and was having no source of income, learned Family Court is not justified in awarding the maintenance to the respondent/wife. It is further argued that the respondent/wife is qualified enough to earn her livelihood and also to take care of herself and the minor child.

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

7. Learned Family Court while passing the impugned order has found that the respondent/wife did not have any source of income and she has to maintain herself and the minor child. On the other hand, learned Family Court

has discarded the stand of the appellant/husband regarding him having become the disciple of Swami Premanand Ji Maharaj, and that he was not earning anything. It was found that in view of plethora of judgments of the Hon'ble Supreme Court, the appellant being the husband of the respondent/wife was legally bound to maintain her. It was further observed that even if the lower side considered, it would not be wrong to assess the monthly income of the appellant as Rs.15,000/-. We find that at the time of adjudication of the application for maintenance *pendente lite*, the Court is to only consider parallel sources of income of the parties. In the instant case, as it was established on record that the respondent/wife had no source of income, and therefore, the order passed by the learned Family Court cannot be said to be illegal or perverse.

8. In view of the above, we do not find any illegality in the impugned order, which warrants any interference by this Court.
9. No other point has been urged.
10. Hence, the present appeal is dismissed.
11. Pending application(s), if any, shall stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

February 28, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No