

Anil Kant Vs. Archana

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Court : Madhya Pradesh

Decided On : Aug-16-1991

Reported in : I(1992)DMC156

Judge : K.M. Pande, J.

Acts : [Hindu Marriage Act, 1955](#) - Sections 24

Appeal No. : C.R. No. 292 of 1989

Appellant : Anil Kant

Respondent : Archana

Advocate for Def. : B.S. Jahangirdar, Adv.

Advocate for Pet/Ap. : S.S. Samvatsar, Adv.

Disposition : Petition dismissed

Judgement :

K.M. Pande, J.

1. The revision has been preferred against an order dated 21.9.89 passed by V Addl. Judge to the Court of District Judge, Indore, in a petition under Hindu Marriage Act.

2. The brief facts of the case are that the applicant is the husband of non-applicant and he had filed an application Under Section 13 of the Hindu Marriage Act against the non-applicant on the ground of desertion. The application was registered. The non-applicant filed a petition Under Section 24 of the Hindu Marriage Act on 29.6.84. This suit was dismissed on 9.4.86. The non-applicant filed an application dated 24.4.86 for deciding the application Under Section 24 of the Hindu Marriage Act. The learned Judge has passed an order that the applicant shall pay to the non-applicant Smt. Archana an amount of Rs. 600/- as costs towards advocate fee for litigation and Rs. 400/- per month as maintenance from 26.9.84 i.e. from the date of dismissal of the suit for main application.

3. The brief facts' further, are that an application Under Section 13 of the Hindu Marriage Act for divorce was filed by the applicant Anil Kant against the non-applicant Smt. Archana. She did not file any reply to the petition of divorce, but applied for grant of interim maintenance and expenses for the litigation. The original application for divorce was dismissed on 9.4.86 as the applicant stated before the Court that he does not want to prosecute the said petition. Upon this, the non-applicant moved an application for interim maintenance till the dismissal of the petition for divorce and for expenses for the litigation. The non-applicant has stated that she has agreed to Rs. 600/- as fee to her lawyer and that she has no means to pay it. She has also no source of livelihood: She claimed Rs. 750/- for maintenance. The applicant Anil Kant is a teacher and is getting Rs. 3500/- per month as salary. He is in service for the last 24 years and is also earning through tuition about Rs. 500/- per month. This petition was resisted by Anil Kant and he stated that he was getting Rs. 1870/- as pay. His mother and father were dependent on him before 1985. His father was died in 1985 and then after his mother, aged 70 year, is completely dependent on him. She is a heart patient. The applicant has to spent Rs. 500-600/- per month for the treatment of his mother. Being old, she is not capable of doing house-hold work. The applicant has to keep a servant for her, for which he pay Rs. 350/- per month to the servant. According to him, his wife is also earning and is employed, somewhere, but he is not able to say what service she is doing. The non-applicant stated that she was unemployed and doing no work for remuneration.

4. In the aforesaid background, the learned Judge has held that the non-applicant is entitled to receive Rs. 600/- from the applicant as expenses for litigation. The applicant filed a certificate of the principal of the institution where he was working and his gross income has been shown as Rs. 1262-80. The applicant did not file any proof regarding the illness of his mother and regarding the fact that he was spending Rs. 500/- to 600/- per month for her treatment. The learned Additional District Judge has consequently, awarded maintenance @ Rs. 400/- per month to the non-applicant and an amount of Rs. 600/- for expenses towards litigation. The maintenance has been granted on 26.9.84 i.e. from the date of the dismissal of the divorce petition. Smt. Archana, the non-applicant, has not preferred any revision against the said order, but having heard the parties Counsel and the applicant, I am of the view that the impugned order of the learned Additional District Judge does not call for any interference. The amount of maintenance and litigation charges granted by the Court is not unreasonable and consequently, no case for interference is made out. The revision petition is dismissed with costs.