

**Pramod Kumar Vs. Sunita**

**Pramod Kumar Vs. Sunita**

**SooperKanoon Citation :** [sooperkanoon.com/948489](http://sooperkanoon.com/948489)

**Court :** Delhi

**Decided On :** Feb-22-2012

**Judge :** The Honourable Ms. Justice Veena Birbal

**Appeal No. :** MAT.APP. 96 of 2007

**Appellant :** Pramod Kumar

**Respondent :** Sunita

**Judgement :**

**VEENA BIRBAL, J.**

**(ORAL)**

**CM No. 4933/2010 in MAT.APP. 96/2007**

Present is an application under Section 24 of Hindu Marriage Act, 1955 filed in aforesaid Matrimonial Appeal of non-applicant/husband challenging impugned judgment dated 08.09.2006, by which his divorce petition has been dismissed. The aforesaid application is dated 12.03.2010 and prayer is made for grant of maintenance pendente lite and litigation expenses during the pendency of the appeal. The Applicant/wife has stated in her application that non-applicant/husband is working in Delhi Police as a 'Head Constable' and is getting salary of Rs. 21,000/- p.m. She has stated that he is also having rental

income and is also running a milk dairy, etc. which is his joint family business. As per her, the total earnings of husband are Rs. 70,000/- p.m. By way of this application, she is claiming Rs.20,000/- p.m. as maintenance for herself as well as for her minor child who is of 15 years of age and is studying in Class VIII in a school at Noida. It is stated in the application that she has to spend around Rs. 3,000/- p.m. on the education of her son. Reply is filed by the non-applicant/husband wherein it is stated that during the pendency of divorce petition Rs. 2,500/- maintenance pendente lite was awarded to the applicant/wife. Thereafter, wife has also moved an application under Section 125 Cr.P.C. wherein Rs. 4,500/- is awarded to her towards maintenance for herself and the child. It is also stated that husband has the liability to look after his old aged parents. He has denied having any other source of income as is alleged by the wife apart from the salary. His salary certificate is also placed on record.

I have heard counsel for the parties and perused the record.

Nothing has been placed on record by the applicant/wife to substantiate the earnings of husband i.e. from rental or family dairy business as is alleged. There is a salary certificate on record of applicant/husband for the month of July, 2010 and September, 2010 as per which his gross salary is Rs.23,329/- p.m. There is a deduction of Rs. 11,000/- p.m. towards GPF contribution which is on higher side and as it is a voluntary deduction husband can't claim benefit of entire deduction. With the passage of time his salary has increased further. Learned counsel for non-applicant/husband has fairly conceded that his present salary after deductions is Rs. 25,000/- p.m. and has offered a sum of Rs. 7,000/- p.m. towards maintenance pendente lite to wife and the child to which the counsel for applicant/wife has conceded. Considering the salary of the husband, the aforesaid amount is reasonable and proper. Accordingly, the maintenance pendente lite of the applicant/wife and child is fixed at Rs. 7,000/- p.m. from the date of application i.e. 12.03.2010. Besides this, she is also entitled to litigation expenses of Rs. 10,000/-. The maintenance of Rs. 7,000/- shall be inclusive of the maintenance amount which she is getting for herself and the child i.e. Rs. 4,500/- under the proceedings of Section 125 Cr.P.C. Appellant is directed to

clear the arrears within four weeks from today.

The application stands disposed of.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**