

02, 18 COMA Mamta Vs Hanuman etc.

Present: Shri N.K. Sachdeva, counsel for the applicant.
Shri B.S. Sharma, counsel for the respondent.

Arguments on interim maintenance application heard.

It is a settled law that the husband is liable to maintain his legally wedded wife. It is also settled that in case there is nothing on record to show the property or the income of the respondent, but it is shown that the respondent is an able bodied person then the court shall presume that the respondent must be earning Rs.7,000 to 8,000 per month equitable with that of a wagrer.

In this present case also, the petitioner has not adduced any reliable document to show that the respondent is earning well and nowhere ascertains the financial status of the respondent. However, both the parties clearly admitted that the daughter of the parties is living with the applicant.

However, both the parties admitted that in a divorce petition, the applicant has filed an application u/s 24 HMA. She is awarded an interim maintenance of Rs.5,000/- per month.

Considering all the above facts, this court is of opinion that an interim maintenance of Rs.5,000/- per month would be sufficient in this case. However, it is also made clear that if the petitioner is taking interim maintenance under any other statute, then the present amount shall be set off with that amount. The maintenance be granted from date of filing of petition. Now to come up on 30.11.2019 for Pws and payment.

(Sumit Turkiya)
JMIC, Fatehabad
UID No. HR-0470

Date of Order : 17.10.2019
Jyoti, SG-III