

## Surbhi Aggarwal Vs Neeraj Aggarwal

**Court:** Uttarakhand High Court

**Date of Decision:** May 23, 2023

**Acts Referred:** Family Courts Act, 1984 " Section 19  
Hindu Marriage Act, 1955 " Section 24

**Hon'ble Judges:** Vipin Sanghi, CJ; Rakesh Thapliyal, J

**Bench:** Division Bench

**Advocate:** Naman Kamboj

**Final Decision:** Dismissed

### Judgement

Vipin Sanghi, CJ

1) The appellant-wife has preferred the present appeal under Section 19 of the Family Court Act, to assail the order dated 22.12.2022, passed by the

Principal Judge, Family Court, Dehradun, in O.S. No. 213 of 2021, whereby the application preferred by the appellant-wife under Section 24 of the

Hindu Marriage Act to seek maintenance pendente lite has been disposed of. The Family court has granted maintenance of Rs.20,000/- per month in

favour of the appellant, apart from litigation expenses of Rs.20,000/-.

2) The appellant is, however, aggrieved by the impugned order on the ground that the respondent-husband is working with ICICI Bank at Gurugram,

on the post of Senior Chief Manager, and is earning about Rs.3,00,000/- per month, apart from rental income of Rs.70,000/- per month.

3) We have perused the impugned order.

4) From the same, it appears that the appellant herself has been assessed to be earning Rs.1,00,000/- per month. The appellant had filed her income-

tax return for years 2020-2021 and 2021-2022, showing taxable income of Rs.15,91,990/- and Rs.5,58,860, respectively. The Family Court has

examined the bank statements of the parties, and the same show that the appellant has other credit entries in her bank account, which were not

explained by her. She is also deriving annual interest income of Rs.3,00,000/- from the fixed deposits, which she holds with the bank. On that basis, her

income has been assessed at Rs.1,00,000/- per month. She has been granted interim maintenance at the rate of Rs.20,000/-per month.

5) Aforesaid being the position, we are not inclined to interfere with the impugned order. The purpose of granting maintenance under Section 24 of the

Hindu Marriage Act is not to bring about a complete equality or parity in the matter of incomes of the warring spouses. The purpose of grant of

maintenance is to enable the applicant, who is generally the wife, to live a life of decency in keeping with the economic and social standard of the

couple. In our view, the order granting maintenance at the rate of Rs.20,000/- per month, apart from litigation expenses of Rs.20,000/- is just and fair,

and, we are, therefore, not inclined to interfere with the impugned order. The appeal is, accordingly, dismissed.

6) Since, we have examined the impugned order on its merits, we are not going into the aspect of delay.