

(1988) 08 DEL CK 0048

Delhi High Court

Case No: Civil Revision Petition No. 352 of 1988

Smt. Pushpa

APPELLANT

Vs

Surinder Kumar

RESPONDENT

Date of Decision: Aug. 18, 1988

Hon'ble Judges: N.N. Goswamy, J

Bench: Single Bench

Advocate: Wattan Singh, for the Appellant; M.L. Khattar, for the Respondent

Judgement

N.N. Goswamy, J.

This petition by the wife is directed against the order dt. 28th May 1988 passed by the Learned Addl. District Judge. Delhi whereby application u/s 24 of the Hindu Marriage Act for maintenance pendente lite and litigation expenses was allowed to the extent that she was granted Rs. 250 for her maintenance and Rs. 125 for maintenance of the child besides Rs. 600 as litigation expenses. The Learned trial Judge relied on a salary certificate which was issued in 1987 by the employer of the respondent. Though by mistake it is mentioned that the certificate was for May, 1988. The finding is that the respondent was getting a net salary of Rs. 1,385 per month. This finding is based on the salary certificate issued in 1987. According to the certificate, issued by the employer on 12th May, 1988, the net salary of the respondent comes to Rs. 1,715 per month and not Rs. 1,385 per month as finds place in the impugned order. It appears that the Learned trial Judge overlooked the latest certificate though he meant to rely on that. The net salary of the respondent of Rs. 1,715 per month was fixed from 1st Jan., 1988. and previous to that, he was getting Rs. 1,385 only. So as regards the maintenance up to 31st Dec, 1987 is concerned, I am not inclined to disturb the order of the Learned trial Judge. However, the petitioner is entitled to the enhanced maintenance w.e.f. 1st Jan., 1988. Considering that the petitioner has to maintain herself and the minor child. I allow this revision petition and enhance the maintenance pendente lite from Rs. 250 for the petitioner to Rs. 325 and from Rs. 125 for the minor child to Rs. 175 per month. This Maintenance will be payable from 1st Jan., 1988. For the previous

period, the maintenance, awarded by the Learned trial Judge, is maintained. The respondent will be entitled to adjust the amount paid towards maintenance which was awarded to the petitioner u/s 125 of the Cr.P.C. The petition is disposed of accordingly.