

Sukhwant Singh VS. Sunita Rani

Present: Sh.A.K.Kamboj Advocate for petitioner Sukhwant Singh.
Sh.Jatinder Puggal Advocate, for respondent Sunita Rani.

Respondent Sunita Rani is imploring for maintenance pendente lite for her and for her minor children Sheffi and Aarush on the ground that petition for restitution of conjugal rights has been forced on her for no valid cause. She has no movable or immovable property to maintain her life. She can neither bear the burden of litigation nor the up-keeping of the children. On the other hand the petitioner is an able-bodied person. He is an agriculturist and also running a dairy farm, from where he is earning about Rs.35,000/- per month. Neglect is blatant on his part. As such, petitioner Sukhwant Singh is required to be burdened with handsome maintenance for the sustenance and up-keeping of both i.e. respondent and her children as well as litigation expenses.

2. Request for maintenance pendente lite has been primarily opposed by petitioner Sukhwant Singh on the ground that Sunita Rani herself left the society without any rhyme or reason. On the other hand the petitioner is an illiterate person and is labourer by profession. So, the respondent is not entitled to any maintenance. He is ready to rehabilitate her and the minors.

3. Factum of marriage is not disputed. It is also not disputed that the respondent is residing separate from the petitioner alongwith her minor children. Further there is nothing on record showing that the petitioner has ever paid any maintenance to the respondent since her separate residence. The respondent has no source of income and is unable to maintain herself alongwith her minor children. The petitioner is an able bodied person. Although he has alleged that he is a labourer but he has not disclosed his income but this court is of the view that now a days, a labourer can easily earn Rs. 350-400 per day. So this court is assessing the income of the

petitioner as Rs. 10500/- to 12000/- per month. The petitioner despite having sufficient income has refused and neglected to maintain the respondent and her children. The petitioner is legally as well as morally bound to maintain his wife and children. At this stage, the prime consideration before this court is to save the respondent and her children from dying out of hunger. Therefore, they are entitled to get *pendentelite* maintenance from the petitioner.

4. In view of the above given observations, earning capacity of the petitioner, requirements of the respondent and her minor children and other attending circumstances, *pendentelite* maintenance to the tune of Rs.2000/- per month is granted in favour of the respondent from the date of this application. This application is allowed accordingly in favour of the respondent and against the petitioner. However, the observations made herein above shall have no effect on merits of the main case.

5. From pleadings of both the parties the following issues are framed :-

1. Whether the petitioner is entitled for the relief of restitution of conjugal rights?OPP
2. Whether the respondent has willfully and without any reason left the company of the petitioner?OPP
3. Relief.

No other issue arises nor pressed or claimed by counsel for the parties. Now to come up on 4.8.2018 for evidence of petitioner Sukhwant Singh and for payment. PF/DM and list of witnesses,if any, be filed within seven days.

SD/-

Pronounced in open Court on:-
5.7.2018.
typed by : Kapil, Steno Gr.II
(directly dictated)

(Kamal Varinder), PCS
Civil Judge (Jr.Divn),
Guruharsahai.
(UID No.PB0407)