

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Miscellaneous Appeal No.1715/2020

Lokesh Kumar S/o Shri Tulsi Jangid

----Appellant

Versus

Smt. Sunita W/o Lokesh D/o Shri Prahlad Jangid

----Respondent

For Appellant(s)	:	Mr. Dhruv Atrey, Advocate for Mr. Harendra Singh, Advocate
For Respondent(s)	:	Mr. Tanmay Dhand, Advocate

HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE CHANDRA KUMAR SONGARA

Order

10/01/2023

An application for grant of litigation expenses and maintenance pendente-lite has been filed by respondent-wife.

According to learned counsel for the respondent-wife, respondent-wife is not earning anything. There is a minor son aged about 11 years, who is residing with the respondent-wife. It is submitted that appellant has financial capacity to pay sufficient amount towards maintenance pendente-lite, therefore, she may be awarded Rs.36,000/- as litigation expenses and Rs.50,000/- per month.

On the other hand, learned counsel for the appellant submits that because of the lock-down situation, the appellant's financial condition is adversely affected.

During the pendency of application for setting aside ex parte judgment and decree, even before filing of application for setting

aside ex parte judgment and decree of divorce, appellant got remarried, therefore, he has to maintain new family also.

We find that during the course of proceedings for settlement of dispute, the appellant has expressed willingness to pay Rs.25 lacs, which is not acceptable to the respondent-wife, due to which settlement could not be arrived at. This would mean that the appellant is having good financial capacity and resources. Therefore, in these circumstances and particularly taking into consideration that there is no material to show that respondent-wife is able to maintain herself and that there is son also, we are inclined to order that the appellant shall pay Rs.25,000/- as litigation expenses and will pay maintenance of Rs.10,000/- per month during the pendency of this appeal.

The interim maintenance shall be payable from the date of filing of the application i.e. February, 2020.

The application stands disposed off.

(CHANDRA KUMAR SONGARA),J

(MANINDRA MOHAN SHRIVASTAVA),J