



Husband Can't Deny Maintenance to Wife, Kids Merely Because Wife Earns More

The Punjab and Haryana High Court in *Amit Kumar v/s Navjot Dubey*¹ held that Husband Can't deny maintenance to wife, kids merely because wife earns more.

Facts of the case

The petitioner had appealed against the order passed by the District Judge, Pathankot whereby the respondent – wife had been allowed maintenance *pendente lite* under Section 24² of the Hindu Marriage Act,1955.

Petitioner's Advocate contention: The District court's order to pay maintenance of Rs.15,000/- per month is on a higher side and is liable to be reduced. Further, it was argued that, respondent is working and draws a salary approximately Rs.10,000/- higher than the petitioner. In addition, he has an obligation to look after his old parents as well.

Respondent's Advocate contention: Out of the wedlock they have two children and she has to bear the expenses on education, prices of necessities of life is increasing day by day. Hence, the maintenance assessed by the Court below by no stretch of imagination can be termed to be excessive.

Wife is entitled to enjoy the same amenities of life as she would have been had she been staying in the matrimonial home.

The single bench of Justice Rekha Mittal held, "Taking into consideration, prices of daily necessities of life, expenses on education of the children, who have to meet the challenges of the society and face peer pressure, I find it difficult to accept contention of the petitioner that maintenance *pendente lite* assessed by the court below is on higher side and requires reduction."

The court observed that the wife is entitled to enjoy the same amenities of life as she would have been had she been staying in the matrimonial home, adding that it was the settled position of law.

Therefore, the court denied to accept the husband's contention and upheld the decision of the district court.

¹ CR No.6198 of 2013

² Section 24 of Hindu Marriage Act,1955: Section 24 provides a relief by way of maintenance and litigation expenses to a spouse who is unable to maintain itself during the pendency of the proceedings;