
(1995) 09 AHC CK 0123
In the Allahabad High Court
Case No : C.M.W.P. No. 27523 of 1995

Har Govind alias Jahir Singh	Vs	APPELLANT
Family Judge, Jhansi and Another		RESPONDENT

Date of Decision : 28-09-1995

Acts Referred:

Hindu Marriage Act, 1955 — Section 24

Citation : (1995) 09 AHC CK 0123

Hon'ble Judges : S.R. Singh, J

Bench : Single Bench

Advocate : S.K. Purwar, for the Appellant;

Final Decision : Dismissed

Judgement

S.R. Singh, J.—Heard counsel for the Petitioner.

2. Learned Counsel for the petitioner urged that since the petitioner has filed a petition for restitution of conjugal right, the respondent-wife cannot claim pendente lite maintenance u/s 24 of Hindu Marriage Act. He further urged that the respondent-wife has, without any reasonable excuse, withdrawn herself from the society of the petitioner since last four years and is living with her parents. As such, urged the learned Counsel for the Petitioner, the second Respondent was not entitled to maintenance u/s 24. Learned Counsel for the petitioner placed reliance on a decision rendered by the Supreme Court in Chand Dhawan (Smt) Vs. Jawaharlal Dhawan, .

3. Having heard the counsel for the Petitioner, I find no substance in the submissions aforestated. Section 24 of the Hindu Marriage Act, 1955 is applicable to "any proceeding under this Act" including the proceeding for restitution of conjugal right. The decision cited by the learned Counsel may be relevant to the question of grant of permanent alimony and maintenance, but it has no application to the claim made by wife u/s 24 for maintenance of pendente lite and expenses of proceedings. Under the said provision, wife can get maintenance

and pendente lite expenses of proceeding in case it is proved that she has no independent income sufficient for her...support".

4. No other point was urged by the learned Counsel for the Petitioner. The writ petition, is therefore, dismissed in limine.