

**Court No. - 39**

**Case :-** FIRST APPEAL No. - 554 of 2022

**Appellant :-** Vaibhav Singh

**Respondent :-** Smt. Divyashika Singh

**Counsel for Appellant :-** Santosh Kumar Singh

**Hon'ble Mrs. Sunita Agarwal,J.**

**Hon'ble Om Prakash Shukla,J.**

Heard learned counsel for the appellant and perused the record.

This appeal is directed against the order passed by the family court under Section 24 of the Hindu Marriage Act in a proceeding for divorce instituted by the appellant husband.

A perusal of the order impugned indicates that only Rs. 3000/- per month has been granted towards interim maintenance to the respondent wife apart from Rs. 5000/- towards the cost of the proceeding.

Only submission of the learned counsel for the appellant to challenge the order impugned is that the appellant herein is unemployed and he has no source of income. This bald assertion made by the appellant in the objection filed in the proceeding under Section 24 of the Hindu Marriage Act has been disbelieved by the family court.

The second submission is that the respondent wife has independent income as she is running a medical store along with his father who is a doctor.

Dealing with this submission of the learned counsel for the appellant, suffice it to note that mere fact that the respondent wife is educated and is doing something to survive since she has been thrown out of her matrimonial home cannot be a reason to deny interim maintenance. An able-bodied husband cannot argue that he is not in a position to maintain his wife. It is social, legal and morale responsibility of a man to maintain his wife and no exception to the same can be taken by us, in view of bald assertions of the appellant.

Reference may be made to the decision of the Apex Court in **Rajesh vs. Neha** reported in **2021 (2) SCC 324**. Noticing the law of maintenance as discussed by the Apex Court therein, we do not find any good ground to entertain the appeal.

The appeal is **dismissed** at the admission stage itself.

**Order Date :-** 3.8.2022/Brijesh