

*Before S. S. Sodhi, J.*  
 GURMEET KAUR,—*Petitioner.*  
*versus*  
 GUR RAJ SINGH,—*Respondent.*  
*Civil Revision No. 3193 of 1988*  
 January 27, 1989.

*Hindu Marriage Act (XXV of 1955)—S. 24—Maintenance pendente lite and litigation expenses—Refusal to grant—Reasons for such refusal—Validity of such reasons—Examined.*

*Held, that the order refusing maintenance pendente lite to wife and her minor child merely to pressurise the wife to reconcile her differences with her husband is a patent misuse of Section 24 of the Hindu Marriage Act, 1955 and is wholly unwarranted. The same is accordingly set aside with a direction to decide the matter afresh in accordance with law.*

(Para 2).

H. S. Giani, Advocate, *for the petitioner.*

B. R. Mahajan, Advocate, *for the respondent.*

#### ORDER

(1) To refuse maintenance *pendente lite* and expenses of litigation to the wife and her minor child, merely to pressurise the wife to reconcile her differences with her husband, cannot, but be branded as a patent misuse of the provisions of Section 24 of the Hindu Marriage Act, 1955. The challenge here is to the precisely such an order passed by the Additional District Judge, Amritsar, on December 6, 1988, whereby, he declined maintenance to the wife and minor son with the observations, "I have kept the interest of Gurmit Kaur and her son in the picture in declining maintenance and litigation expenses to her at this stage and hope that this would quietly nudge her towards taking a less harsh view of Gurraj Singh's behaviour towards her. —."

(2) The impugned order thus being wholly unwarranted and contrary to law is accordingly hereby set aside and the matter is remitted to the trial court with the direction to decide the wife and minor son's claim for maintenance and expenses of the litigation afresh, in accordance with law. The wife—Gurmit Kaur shall in addition, also be entitled to Rs. 1,000 as expenses of this litigation.

(3) This petition stands accepted in these terms.

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S.C.K.