

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

SR.NO.223 CR-2952-2014

SANJEEV SHARMAPetitioner

VS

JYOTI SHARMARespondent

AND

CR.NO.3042-2014
Decided on: 01.05.2015

SANJEEV SHARMAPetitioner

VS

JYOTI SHARMARespondent

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present Mr. Sanjeev Sharma, petitioner in person.

Ms. Radhika Suri, Sr.Advocate
with Ms. Rinku Dahiya, Advocate
for the respondent.

K.KANNAN, J

The two civil revisions are between the same parties, namely, husband and wife.

CR-2952-2014 is to recall the doctor, who has been examined as a witness by the wife. He has been cross examined also by the husband's counsel but the petitioner, who is in person here, has still a grievance that the cross examination took place in his absence when he was attending the High Court for some other litigation between the parties.

The presence of a party at the time of cross examination may not at all be essential but if the petitioner would feel that his presence would make all the difference and the cross examination would have been more effective, I will not cause any fetter for such a course, provided he takes the burden of the cost involved in summoning the doctor and pays the necessary P.F and diet money to the witness who has to come to the Court. The Court shall determine the amount that is payable to the doctor and direct the petitioner to make the

payment at the time of issuance of summons. The summons will be

issued only as a witness for the wife but the husband will bear the expenses. CR-2952-2014 is allowed in the above terms.

CR-3042-2014 arises out of an application seeking for some clarification as regards the date from when the order of maintenance was operative namely whether from the date of the petition filed by the wife claiming maintenance or from the date of the order. The order itself does not clearly stipulate the commencement of the period and, therefore, I would take that operative only from the date of the order. This is not because that is the only way to assess maintenance. We are only looking at a situation of a past liability. The days have moved on and if she has gone through the difficult period, the maintenance passed shall be assured only for all the time in future so that she comes under no particular disability at the time of trial. With these modification, the Civil Revision No. 3042-2014 is disposed of.

Needless to state that this liability cannot be further whittled down by any independent application to delay the payment. He is bound to pay the same if he wants to contest the case entering the ferriage of trial.

The past arrears of maintenance shall be paid within a period of four months from today i.e before 30.09.2015. Apart from the said payment, the husband will pay the monthly accruals of the maintenance payable in future within the first 5 days of every Calender month. The liability to pay transportation charges @ Rs.500/- and litigation expenses shall be independent of the amount of maintenance fixed by the Court already. The transport expense of Rs.500/- will be claimed by the wife on the day when she has actually appeared in the Court under her own statement which she can claim through her memo filed through her counsel and served on the other side. The claim made ought to be taken as true and there will be no contest on this aspect.

01.05.2015

mamta

(K.KANNAN)

JUDGE