

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CR No. 4901 of 2014 (O&M)**

Date of decision: 28.04.2015

Mohinder

... Petitioner

versus

Aarti

.... Respondent

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

Present: Mr. Rohit Kumar, Advocate, for the petitioner.

Mr. V.B.Aggarwal, Advocate for the respondent.

**K.Kannan, J.**

The order passed already granted Rs. 5,000/- each per month is set aside for it is too rash an order to pass at the interlocutory stage, when there is the order of maintenance assessed under Section 125 Cr.P.C, after a full fledged trial only two months earlier. The interim maintenance granted under Section 125 was ₹ 1,500/-, for the wife and ₹ 1,000/- to the child. The same amount shall be paid as maintenance during the pendency of the order. The order already passed is set aside and the amount is modified to conform to the order passed by the Judicial Magistrate-1<sup>st</sup> Class on 07.02.2015.

The civil revision petition is allowed to above extent. If this amount granted by the Magistrate is modified by the Appellate Court, the wife may apply to the Court for modification of the interim maintenance before the Matrimonial Court. All this is not to state that the amount determined under Section 125 Cr.P.C. shall be followed by the Civil Court but it is exigent to follow such a course, when the determination was of a recent origin, by due consideration of all relevant facts after a full fledged trial.

28.04.2015

kv

**(K.KANNAN)**

**JUDGE**