

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

CR No.6446 of 2013 (O&M)

Date of decision: 15.12.2015

Rashmi Khuller

... Petitioner

versus

Navdeep Saini

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Sarvpreet Gurna, Advocate for the petitioner.

Mr.Rahul Sharma, Advocate for the respondent.

K.Kannan, J.(Oral)

Both the counsel admit that the matrimonial proceedings pending before the Court below have concluded and decree has been granted in favour of the wife. The petitioner's grievance is that interim maintenance granted to the child @ ₹1500/- p.m. was directed to operative from the date of the order when the court below was holding that the petition was pending for nearly 34 months from the date when the application was filed. The Act itself requires disposal of the petition within a period of two months and the petitioner could not have been denied the entitlement of maintenance to the child for all the times when petition was pending for no fault of the petitioner.

The order already passed is modified to the effect that interim maintenance granted shall operate from the date of filing of the petition till the date when the petition was disposed of. Any amount already paid shall be deducted. Rights of parties for future period will be determined independently for Section 24 of Hindu Marriage Act could provide for maintenance only during the pendency of the case. The court while allowing for future maintenance has stated that the amount will be withdrawn with the permission of Court. There is a direction for opening of account in the name of the minor which shall be done and guardian will be permitted to operate the account with powers to withdraw without permission of the Court.

The order already passed is modified and the revision petition is allowed to the above extent.

(K.KANNAN)
JUDGE

15.12.2015
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