

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

C.R.M-M No.26312 of 2015

Date of Decision : 03.09.2015

Vikram Singh

..... Petitioner

Versus

Asha Rani

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gaurav Sethi, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed against the award of maintenance of Rs.3000/- p.m. and Rs.2500/- p.m. for rent to the respondent-wife and minor daughter.

Learned counsel for the petitioner has argued that before awarding interim maintenance no domestic incident report was sought by the Court. He has relied upon the judgment of the Delhi High Court in the matter of *Ravi Dutta vs. Kiran Dutta and another, 2014(5) RCR (Criminal) 178* and the judgment of the Hon'ble Supreme Court in the matter of *Juveria Abdul Majid Patni vs. Atif Iqbal Mansoori and another, 2014(4) RCR (Criminal) 480*.

Coming to the decision of the Hon'ble Apex Court first, in that case the main issue was whether the subsequent decree of divorce absolved

the liability or not. Therefore, that judgment is not applicable in the present case.

Coming to the decision of the Delhi High Court, learned counsel for the petitioner has argued that before awarding interim maintenance report of domestic incident had to be sought. In that case the Delhi High Court upheld the appellate order remanding the case back to the trial Court for first obtaining report under Section 12 of the Domestic Violence Act. However, para No.11 is as follows:-

“However, complainant-wife is permitted to file an application for interim maintenance under Section 23 of DV Act. If such an application be filed within four weeks, trial Court shall make all endeavours to decide it within a period of three months thereafter. The third petition seeking cancellation of bail granted to petitioner-husband is dismissed as not pressed and the above-captioned first two petitions are disposed of in the aforesaid terms.”

It was not disputed that maintenance granted in the present case is interim maintenance. In the circumstances, the plea regarding report of domestic incident can well be taken by the petitioner even now. Apart therefrom, the amount of Rs.5500/- p.m. in toto is actually not enough for two people to live and eat and cannot be held to be excessive in any case.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

SEPTEMBER 03, 2015

(AJAY TEWARI)
JUDGE