

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

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CRM-M-27678-2014

Date of Decision: December 3, 2015.

TEENU AND ANR

.....PETITIONERS

VERSUS

DEEPAK SAHOTA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Parminder Singh, Advocate for the petitioners

Ms.Sarika Gupta, Advocate for the respondent

M.M.S.BEDI, J.(Oral)

This is a petition against orders dated 05.03.2014 and 22.07.2014 whereby the learned Sub Divisional Judicial Magistrate Mukerian has granted interim maintenance @ Rs.3,000/- per month to petitioner No.1 wife and Rs.2,000/- per month to petitioner No.2 child along with litigation expenses of Rs.3,000/- under Section 125 of the Code of Criminal Procedure and the Additional Sessions Judge, Hoshiarpur upheld the same.

Learned counsel for the petitioners submits that respondent is earning more than Rs.40,000/- and that the trial Magistrate should have granted more amount of interim maintenance.

I have heard the learned counsel for the petitioners.

The order of interim maintenance is generally not the assessment of the actual liability of the husband to pay the maintenance but is generally a stop gap arrangement in order to ensure survival of the applicant under Section 125 of the Code of Criminal Procedure till the final amount is settled by the Court. The amount may be inadequate but scope of interference at this stage by accessing evidence does not appear to be appropriate.

I do not find any merit in this petition to interfere, however, in exercise of powers under Section 482 of the Code of Criminal Procedure, this petition is disposed of, with the direction that the trial Court shall expeditiously decide the application under Section 125 of the Code of Criminal Procedure, preferably within a period of six months, by giving fair opportunity to both the parties after next date of hearing.

**(M.M.S.BEDI)
JUDGE**

December 3, 2015