

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

**Crl Misc. No. M-42577 of 2015
Date of Decision: 21.12.2015**

Sawtantar Bala alias Good

--Petitioner.

Vs.

Daljit Singh

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of instant petition under Section 482 Cr.P.C., seeks appropriate directions to the learned trial court to decide the application of the petitioner for ad interim maintenance during the pendency of her petition under Section 125 Cr.P.C.

Learned counsel for the petitioner submits that the application for maintenance filed by the petitioner is pending since 22.4.2014. He further submits that since the interim maintenance was not being granted, petitioner moved a specific application for the said purpose by way of Annexure P-3 but the same is still pending, thereby defeating the very purpose OF the application.

After hearing learned counsel for the petitioner and going through the numerous zimni orders passed by the learned trial court placed on record vide Annexure P-5, this Court is of the considered opinion that it is not necessary to issue notice to the respondents, at

this stage, because the petitioner is seeking only a direction to the learned trial court to decide her application for interim maintenance at an early date.

A bare perusal of the numerous zimni orders placed on record at Annexure P-5 would show that pendency of the application for ad interim maintenance is not at all justified, which needs immediate attention of the learned trial court, failing which, the very purpose thereof would be defeated. In fact, the learned court ought to have decided the application of the petitioner (Annexure P-3) for interim maintenance within a reasonable time.

In view of the above and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, at a later point of time, present petition is disposed of with a direction to the learned trial court to decide the application of the petitioner moved vide Annexure P-3 for ad interim maintenance during pendency of the petition under Section 125 Cr.P.C., at an early date by passing an appropriate order, in accordance with law, and in any case within a period one month from the date of receipt of a certified copy of this order, granting appropriate amount to the petitioner towards ad interim maintenance during the pendency of her petition under Section 125 Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

21.12.2015
AK Sharma