

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

CRM-M No.5193 of 2014 (O&M)

Date of Decision: 18.12.2015

Rajni Bala @ Radhika and another

..... Petitioners

Vs.

Amit Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Inderpal Singh Parmar, Advocate for the petitioners.

Mr. Pershant Sareen, Advocate for the respondent/husband.

JASWANT SINGH, J. (Oral)

The wife-Rajni Bala @ Radhika along with her minor daughter-Vibhuti Mehra through her mother have filed the present petition directed against the order dated 18.12.2013 (**Annexure P-3**), passed by learned Additional Sessions Judge, Ludhiana, whereby in the pending application seeking maintenance under Section 125 Cr.P.C., maintenance *pendente lite* i.e. interim maintenance has been fixed at the rate of Rs.1500/- per month for the wife and Rs.500/- per month for the minor daughter from the date of passing of the order i.e. 15.05.2013, passed by learned Judicial Magistrate 1st Class, Ludhiana.

It is not in dispute between the parties that the proceedings are at the stage of recording of evidence of the wife.

Learned Counsel for the respondent/husband very fairly concedes that in view of the settled position of law, the interim maintenance was required to be passed from the date of the application and not from the date of the order. He, however, submits that in view of the advance stage of the trial, no further adjudication regarding enhancement is required.

In response, learned Counsel for the petitioners/wife and minor daughter accepts the position in the light of the advance stage of the evidence, however, prays for a direction to pay the arrears of interim maintenance at the awarded rate payable with effect from the date of the application at the earliest.

In view of the aforesaid agreed stand, this petition is partly allowed and the impugned order dated 18.12.2013 (**P-3**) is modified to the extent that the awarded rate of maintenance is liable to be paid by the husband to the wife and minor daughter with effect from the date of the application and not from the date of order. It is further directed that the trial Court would permit the arrears to be deposited by way of three equated installments.

Disposed of in the above terms.

December 18, 2015
Gagan

(JASWANT SINGH)
JUDGE