

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

CR No.1425 of 2016

Date of decision:25.02.2016

Deepak Kumar

... Petitioner

Vs.

Vandana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Madan Sandhu, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-husband is aggrieved of the orders dated 08.01.2014 and 14.01.2016, Annexure P-1 and Annexure P-8, respectively, vide which the application under Section 24 of the Hindu Marriage Act awarding maintenance pendent-lite at the rate of ₹3,000/- per month and ₹3300/- as litigation expenses and another application seeking adjustment of amount of ₹4,70,000/- paid in the proceedings under Section 125 of the Code of Criminal Procedure, has been dismissed.

Mr. Madan Sandhu, learned counsel appearing on behalf of the petitioner-husband submits that once wife has suffered a statement of accepting a sum of ₹4,70,000/- as per compromise, Annexure P-3, the aforementioned amount was required to be adjusted while deciding the application under Section 24 of the Hindu

Marriage Act, thus, the Court below has erroneously declined the application. Hence the present revision petition.

I have heard learned counsel for the petitioner and appraised the paper book.

The statement suffered by the respondent-wife of receiving ₹4,70,000/- is in respect of proceedings initiated on 29.09.2012 under Section 125 of the Code of Criminal Procedure. Whereas, divorce petition has been filed in the year 2013 and the application has been allowed in the year 2014, thus, maintenance pendent lite @ ₹ 3,000/- per month, would start running from the date of application and does not contain element of adjustment past maintenance, in essence, ₹4,70,000/- was vis-a-vis for the period prior to the filing of the application under Section 24 of the Hindu Marriage Act, therefore, rightly so, the Court below declined the application vis-a-vis adjustment. Even otherwise, the maintenance pendent lite @ ₹3,000/- per month, is reasonable and justified.

In view of the aforementioned observations, I do not intend to differ with the findings rendered in the impugned order and the same cannot be said to have been passed without jurisdiction.

There is no merit in the revision petition. Accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

February 25, 2016
savita