

RAMANDEEP KAUR AND ANR.

.....Petitioners

Vs.

JASBIR SINGH

....Respondent

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. D.S. Gurna, Advocate
for the petitioners.

Mr. Arvind Kashyap, Advocate
for the respondent.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioners contended that the learned trial Court has declined interim maintenance to the petitioner No.1-wife simply on the ground that she was getting maintenance in the petition filed under Section 13 of the Hindu Marriage Act, 1955 and under the Protection of Women from Domestic Violence Act, 2005. He contended that this cannot be a ground to decline the request for interim maintenance. At the most, the maintenance granted in other cases may be adjustable.

2. Learned counsel for the respondent has not been able to repel this legal position.

3. I have duly considered the aforesaid contentions. It is also evident from the perusal of the order passed on 14.07.2014 that the divorce petition has already been dismissed on 19.03.2014, however, learned counsel for the respondent states that the appeal against that dismissal order

is still pending. But this fact is not disputed that no interim maintenance has been granted to the petitioner No.1-wife in that appeal. The perusal of the impugned order shows that the interim maintenance has been declined to the petitioner No.1-wife, simply on the ground that she was getting maintenance in the divorce petition and the petition filed under the provisions of Protection of Women from Domestic Violence Act, 2005. That cannot be a ground to decline the interim maintenance. At the most, the maintenance granted to the wife in other case may be adjustable towards the maintenance to be granted in the present case. So, the impugned orders dated 23.05.2013 and 15.3.2014 passed by the Courts below are hereby set aside.

4. The matter is remitted back to the learned Courts below to pass fresh orders in accordance with law on the application of the petitioner-wife for grant of interim maintenance.

March 31, 2016
SwarnjitS

(DARSHAN SINGH)
JUDGE