

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

**CR No.5077 of 2015(O&M)
Date of decision :16.05.2016**

Ritu

..... Petitioner

Versus

Parveen Mor

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Ramesh Hooda, Advocate
for the petitioner.

Mr. Naresh Kumar Ganga, Advocate
for the respondent.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?Yes.**
- 2. To be referred to the Reporters or not?Yes.**
- 3. Whether the judgment should be reported in the Digest?Yes.**

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 04.07.2015, passed by the learned District Judge, Jind in HMA case No. 35 of 2015, titled as 'Parveen Mor Vs. Ritu', whereby the petitioner-wife has been granted maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, 1955 (for short 'Act').

2. Learned counsel for the petitioner contended that

the respondent is misusing the order passed by the learned District Judge. The learned District Judge has only awarded Rs.1000/- per month over and above the maintenance of Rs. 9000/- per month awarded in the petition under Section 125 of the Code of Criminal Procedure, 1973 (for short Cr.P.C). He contended that now the respondent is not paying the maintenance in the proceedings under Section 125 Cr.P.C and lacs of rupees have become arrears towards maintenance in the proceedings under Section 125 Cr.P.C.

3. On the other hand, learned counsel for the respondent contended that the impugned order passed by the learned District Judge does not suffer from any illegality and there is no merit in the revision petition.

4. I have duly considered the aforesaid contentions.

5. The impugned order dated 04.07.2015 passed by the learned District Judge is not happily worded with respect to the relief as there is scope of misusing this order by the respondent-husband by paying only Rs. 1000/- per month as in the proceedings under Section 24 of the Act only Rs. 1000/- per month can be recovered as maintenance. This fact is not disputed that respondent-husband is not regularly paying the maintenance *pendente lite* of Rs. 9000/- per month awarded in petition under Section 125 Cr.P.C. Thus, in order to check the misuse of this position by the respondent-husband, the impugned order dated 04.07.2015 passed by the learned

District Judge, Jind is hereby modified to this extent that the petitioner-wife shall be entitled to the maintenance *pendente lite* at the rate of Rs. 10,000/- per month under Section 24 of the Act. However, the amount of maintenance paid by the respondent-husband in the proceedings under Section 125 Cr.P.C shall be adjustable.

6. The present petition stands disposed of accordingly.

16.05.2016

S.khan

**(DARSHAN SINGH)
JUDGE**