

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

C.R. No.663 of 2016

Date of Decision.19.12.2016

Jagtar son of Karam Singh

.....Petitioner

Vs

Harjinder Kaur

.....Respondent

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

None for the respondent.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The counsel for the petitioner submits that the Additional Chief Judicial Magistrate vide order dated 01.04.2015 granted maintenance @₹2,000/- to the wife and ₹1500/- to the minor child in the proceedings under Section 125 Cr.P.C. whereas in the proceedings initiated under Section 24 of the Hindu Marriage Act, maintenance @₹2500/- per month has been awarded vide order dated 18.08.2015.

This Court had issued notice of motion on 01.02.2016. As per the office report, service has been effected but there is no representation.

I am of the view that the husband had not been diligent enough to bring to the notice of the Court below about the proceedings initiated under Section 125 Cr.P.C regarding awarding of ad interim maintenance to the tune of ₹3500/- per month so that the Court below could have ordered adjustment of the same.

In fact, the maintenance pendent lite given in proceedings initiated under Section 125 Cr.P.C is more than the one granted in the

proceedings under the Hindu Marriage Act. Since this aspect was not brought to the notice of the court below, therefore, the order aforementioned came to be passed. It would be a farcical exercise in remanding back the matter to the Court as it would indulge into protraction of the litigation and taking away the focus from the pendency of the main case.

The order under challenge i.e. order dated 18.08.2015 shall come into operation only in case the order passed in the proceedings initiated under Section 125 Cr.P.C is either stayed or comes to an end. Equally so, if the proceedings under Section 125 Cr.P.C are culminated, prior to the disposal of the divorce petition. Therefore, till then the order granting interim maintenance in the application moved under Section 24 of the Hindu Marriage Act in the petition filed under Section 9 of the Hindu Marriage Act shall remain stayed, in essence, the petitioner shall pay the maintenance @₹3500/- per month as granted vide order dated 01.04.2015.

With the aforementioned observations, the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

December 19, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No