

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11591-2015

Date of Decision:- 18.10.2016

Kundan @ Kundan Lal

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Ms. Sunita Nambiar, Advocate
for Mr. Balkar Singh, Advocate,
for the petitioner.**

Mr. D.K. Singla, DAG, Haryana.

Mr. Ajit Kumar Sharma, Advocate, for respondent No.2.

RITU BAHRI, J. (Oral)

Present petition has been filed by the petitioner for quashing of order dated 12.08.2014, passed by the learned Court of SDJM, Ratia, District Fatehabad and order dated 07.11.2014 passed by the Court of learned Additional Sessions Judge-I, Fatehabad in a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005, whereby maintenance of ₹3,000/- has been awarded to respondent No.2 and her two daughters from the date of application.

As is evident from the record that interim maintenance has been granted to respondent No.2 keeping in view the fact that there was direct evidence to ascertain the exact income of the petitioner. This Court while

issuing notice of motion on 04.05.2015 directed the petitioner to make the

payment of ₹15,000/- as litigation expenses. A demand draft of ₹15,000/- was sent to the trial Court, which was not accepted by the complainant by considering it as full and final payment where it was only towards the litigation expenses. However, it was being clarified that the amount of ₹15,000/- was in addition to ₹72,000/-.

Learned counsel for respondent No.2 submits that till date no payment has been made by the petitioner.

Otherwise also, after hearing the learned counsel for the parties and going through the record, this Court is of the considered view that the impugned judgments do not require any interference as the same have been passed after appreciating the evidence in the correct prospective. Such orders, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited jurisdiction of this Court under Section 482 Cr.P.C., unless and until, the same are illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned orders deserve to be and are hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed by giving directions to the petitioner to make the payment of litigation expenses of Rs.15,000/- before the trial Court on the date fixed i.e. 08.11.2016.

October 18, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No