

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38161-2016

Date of Decision:- 25.10.2016

Dharamvir Kantilal Tolikar

....Petitioner

Versus

Shashi Bala

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sudhir Mittal, Advocate,
for the petitioner.**

RITU BAHRI, J. (Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of order dated 16.08.2016 (Annexure P-12) whereby interim maintenance of ₹5,000/- per month awarded to the respondent has been enhanced to ₹8,000/- per month by the revisional Court.

Learned counsel for the petitioner submits that the stand taken by the petitioner before the revisional Court was that the respondent (wife) had left his company without any sufficient cause in the year 2007 and thereafter the custody of the child, namely, Aditya, was taken by him, on the ground that he was not admitted to school by the respondent and was not being maintained well. The divorce petition filed by the petitioner has since been dismissed on 07.03.2014, however, the respondent being follower of Bapu Assa Ram has left the house without informing to anybody. Moreover,

the Court below has not considered the evidence led by the petitioner and wrongly directed him to pay maintenance of ₹8,000/- per month to the respondent. So, the impugned order is liable to be set aside.

After hearing the learned counsel for the petitioner, going through the record and without commenting anything on the merits of the case, at this stage, the present petition is disposed of by giving liberty to the petitioner to take all the pleas as set out in the petition as per Section 125(4) Cr.P.C. at the final stage of trial before the trial Court.

October 25, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No