

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

CRM-M-9095-2016

Date of decision: 05.12.2016

Amarjit Kaur

...Petitioner

Versus

Bahadur Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Lakhvinder Singh, Advocate, for
Mr. P.S. Dhaliwal, Advocate,
for the petitioners.

Mr. Amanninder Preet, Advocate,
for the respondent.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of the order dated 23.12.2015 (Annexure P-2) by which Addl. Sessions Judge, Barnala had dismissed the petition for enhancement of maintenance which had been awarded by the Judicial Magistrate Ist Class, Barnala.

In brief, the facts of the case are that the marriage between the parties took place on 14.01.1987 at village Jandli, near Ambala. On account of various differences that arose between the parties, the petitioner herein filed an application under Section 125 Cr.P.C. The Judicial Magistrate 1st Class, Barnala vide order dated 02.05.2014 granted interim maintenance @ ₹ 5,000/- per month from the date of filing of the application, despite the fact that the claim had been made for ₹ 15,000/- per month.

Aggrieved against the meager amount awarded, the applicant-petitioner wife filed a petition seeking enhancement of the maintenance amount whereas the husband too challenged the said order. Addl. Sessions

Judge, Barnala by a composite order declined to interfere in both the revision petitions upholding the grant of maintenance of ₹ 5,000/- per month as awarded by the learned Judicial Magistrate 1st Class, Barnala. Aggrieved against the said order declining to enhance the interim maintenance, the petitioner wife herein has preferred the instant petition.

Learned counsel appearing on behalf of the respondent-husband herein submits that the matter has been rendered infructuous on account of the order that has been passed by learned District Judge (Family Court), Barnala on 13.05.2016, where petitioner herein had accepted the proposal of the respondent-husband, by which the respondent-husband had agreed to make payment of maintenance @ ₹ 5,000/- per month from the date of filing of the application under Section 125 Cr.P.C. and further to pay the enhanced amount @ ₹ 7,500/- per month from 01.05.2016 till the date of entitlement of the petitioner herein.

In view of the fact that the impugned orders have merged with the order dated 13.05.2016, passed by learned District Judge (Family Court), Barnala, no interference is called for in the instant petition and the same is disposed of accordingly.

05.12.2016

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No.