

**JASVIR KAUR**

**.....PETITIONER**

**VERSUS**

**PAWAN KUMAR**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.**

Present: Mr. Deepak Goyal, Advocate  
for the petitioner.

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**JASPAL SINGH, J (ORAL)**

By virtue of instant petition preferred under Article 227 of the Constitution of India, petitioner has sought the modification of order dated December 07, 2016 passed by learned Additional District Judge, Sangrur (Annexure P-4) thereby, holding that the petitioner and her minor daughter are not entitled for interim maintenance under Section 24 of the Hindu Marriage Act and one time litigation expenses to the tune of ₹4,000/- by way of granting maintenance to the petitioner and her minor daughter to the tune of ₹15,000/- per month and by enhancing the litigation expenses.

Undoubtedly, there was some dispute matrimonial dispute in between the parties, which ultimately culminated into a compromise dated January 27, 2016. Pursuant thereto, a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'Act') was preferred seeking divorce by way of

decree of mutual consent. However, it was subsequently withdrawn. As per the terms and conditions of compromise, petitioner has received full and final maintenance allowance on her behalf as well as on behalf of her minor child but any statement made by mother i.e. petitioner on behalf of her minor child cannot be treated as binding upon the minor child. The claim for interim maintenance preferred on behalf of minor child should have been decided by learned trial Court separately without being influenced by any sort of compromise alleged to have been entered into between the parties. Similarly the litigation expenses awarded to the tune of ₹4,000/- are required to re-considered in view of the prevailing circumstances, especially in respect of litigation as well as the engagement of counsel etc.

Accordingly, order dated December 07, 2016, is partly set aside qua the declining of maintenance allowance to the minor child as well as the litigation expenses. However, it is made clear that petitioner has rightly been held not to be entitled for any interim maintenance.

In the light of what has been narrated above, the order dated December 07, 2016, is partly set aside and the claim put forth on behalf of minor child as well as in respect of litigation, is ordered to be re-heard and decide a fresh, as early as possible.

A copy of this order be sent to the concerned Court for its compliance.

**JANUARY 10, 2017**  
**sham**

**(JASPAL SINGH)**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |