

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

(117)

**CR-8792-2016 (O&M)  
Decided on: July 21, 2017.**

**Kirpal Singh**

**.... Petitioner**

**Versus**

**Rupinder Kaur**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. S.S. Walia, Advocate, for the petitioner.

**M.M.S. BEDI, J (ORAL)**

Petitioner is aggrieved by order dated 01.07.2016 passed by Civil Judge (Sr. Division), Ludhiana granting interim maintenance to the respondent-wife at the rate of Rs.10,000/- per month, observing that the petitioner is a resident of Belgium and is presumed to be earning any amount between Rs.40,000/- to Rs.50,000/-. The above said order has been passed in a suit filed under Hindu Adoptions and Maintenance Act, 1956 for recovery of maintenance and future maintenance.

It is not disputed that the Court has got jurisdiction to grant interim relief under Hindu Adoptions and Maintenance Act, 1956. It is statutory right of a wife under Chapter III of the Hindu Adoptions and Maintenance Act, 1956 to seek maintenance, even if, she is residing separately. In the exercise of inherent jurisdiction, the interim maintenance can be granted to the wife.

Learned counsel for the petitioner has vehemently contended that in case the wife is getting maintenance under Section 125 Cr.P.C, she would not be entitled to claim any maintenance under the Hindu Adoptions and Maintenance Act, 1956.

I do not find any force in the contentions of learned counsel for the petitioner.

The only right vested in the petitioner is to seek adjustment of the amount paid under Section 125 Cr.P.C at the time of determination of maintenance under any other provisions of law but there is no bar for grant of maintenance/interim maintenance under the provisions of Hindu Adoptions and Maintenance Act, 1956.

No ground is made out for interference in the order.

The petition is dismissed with above observations.

**(M.M.S. BEDI)**  
**JUDGE**

**July 21, 2017**  
*harsha*

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No