

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

CR-9111-2017 (O&M)
Date of decision: 22.12.2017

BIRENDER KUMAR

...Petitioner

Versus

MANJU BALA

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Naveen S. Bhardwaj, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 20.03.2017 (Annexure P3) passed by the District Judge, Family Court, Bhiwani whereby maintenance pendente lite @ Rs.9000/- per month has been allowed.

Counsel for the petitioner would submit that the respondent and minor child of the parties have been awarded maintenance @ Rs.5000/- per month in proceedings under Section 125 Cr.P.C. and the petitioner is regularly paying that amount, by way of deduction from his salary. It is further submitted that gross salary of petitioner is Rs.26,759/- and in case maintenance payable under Section 125 Cr.P.C. is not adjusted out of maintenance allowed in the present proceedings, maintenance payable to the respondent and minor child would be more than 50% of gross salary of the petitioner. Another submission made by counsel is that earlier, dispute

between the parties was settled on payment of Rs.3 lakh and a petition for divorce by mutual consent was filed but the same did not fructify. It is argued that dispute is likely to be settled by way of compromise in case the parties are referred to a Mediator.

Without examining merits of the petition that is filed after 09 months of passing of the impugned order, the present petition stands disposed of with the following observations:-

1. The petitioner may file an application before the Court below seeking clarification, if maintenance allowed under Section 125 Cr.P.C. is to be adjusted towards maintenance pendente lite allowed under Section 24 of the Hindu Marriage Act, 1955. If such an application is filed by the petitioner, the same shall be decided by the Court below, in accordance with law.
2. The petitioner may pray for referring the parties to mediation. In case such a prayer is made, the Court would examine possibility of an amicable settlement between the parties and if need be, refer them to Mediation and Conciliation Centre at Bhiwani.

22.12.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No