

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 1.2.2017

CRR- 1822 of 2016

Sandeep

---Petitioner

versus

Manju and another

---Respondents

CRR- 1789 of 2016

Sandeep

---Petitioner

versus

Manju and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Aditya Sanghi, Advocate
for the petitioner**

Rekha Mittal, J.

This order will dispose of CRR Nos. 1822 and 1789 of 2016 as these are off shoot of the same proceedings filed under the Protection of Women from Domestic Violence Act, 2005.

The petitioner husband has filed the petitions to express his grievance with regard to award of maintenance at the rate of Rs. 10,000/- per month to the respondent-wife, space for residence in the shared household and her plea in the execution proceedings for providing space for tethering a buffalo.

The first submission made by counsel is that though in the order dated 28.11.2016 passed by the Additional Chief Judicial Magistrate,

Jhajjar in proceedings under Section 125 of the Code of Criminal Procedure (in short “Cr.P.C.”) it has been mentioned that amount of Rs. 13,000/- allowed towards maintenance shall include the amount of maintenance of Rs. 10,000/- which has been admitted to be received by the petitioner in proceedings but it has not specifically been mentioned as to which proceedings are referred to. The contention in this regard is highly misconceived for the reason that para 9 of the said order, made available during course of hearing, specifically made reference to receipt of Rs. 10,000/- by the wife as maintenance under the provisions of the Protection of Women from Domestic Violence Act, 2005 (in short “the Act”).

Counsel for the petitioner has fairly informed that the petitioner has already challenged the maintenance assessed under Section 125 Cr.P.C. and the same shall be decided in those proceedings. In this view of the matter, contention of the petitioner that intervention in orders passed by the courts below allowing maintenance at the rate of Rs. 10,000/- per month is warranted, is misconceived.

So far as plea with regard to allowing accommodation for tethering a cattle, the same cannot be said to be beyond the scope of order passed in proceedings under Section 12 of the Act as the respondent-wife has been allowed accommodation in the shared household with all types of facilities which would include her right to keep a buffalo.

For the aforesaid reasons, finding no merit, the petitions fail and are accordingly dismissed in limine but without prejudice to right of the petitioner to raise available pleas to assail order of maintenance passed

CRR- 1822 of 2016

-3-

under Section 125 Cr.P.C.

(Rekha Mittal)
Judge

1.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No