

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

-.-

CrI. R (F) 289 of 2015 (O&M)

Date of decision: 20.03.2017

Harish Kumar

..... Petitioner

Versus

Kavita and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Parmod Parmar, Advocate
for the petitioner

Mr. Sushil Kumar, Advocate for
Mr. R A Sheoran, Advocate
for the respondents

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against order dated 17.10.2014 passed by the District Judge (Family Court), Bhiwani whereby the respondents have been allowed maintenance @ Rs.3,000.00 per month for respondent No. 1 and Rs.2,000.00 per month for respondent No. 2 in proceedings under Section 125 of the Code of Criminal Procedure (in short, Cr.P.C.).

Counsel for the petitioner has submitted that as respondent No. 1 has been selected in the Central Reserve Police Force, she has rendered herself ineligible to claim maintenance from her husband. It is further submitted that due to change in circumstances, the order impugned is liable to be set aside.

Counsel for the respondents, on the contrary, has submitted that

even if there is change in circumstances after passing of order, the petitioner, at best, can take recourse to appropriate remedy under Section 127 Cr.P.C. but he cannot seek setting aside of the order.

Counsel for the petitioner, in view of submissions made by counsel for the respondents, would submit that the present petition may be disposed of but without prejudice to rights of the petitioner to take recourse to appropriate proceedings under section 127 Cr.P.C.

Disposed of accordingly.

(Rekha Mittal)
Judge

20.03.2017
mohan bimbira

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No