

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

Criminal Revision (F) No. 283 of 2016 (O&M)
Date of decision: 6.12.2017

Harsh Mishra @ Hanuman Mishra

...Petitioner

Versus

Ms. Seema Sharma and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Dhanjay Singh, Advocate, for
Mr. Sunil Panwar, Advocate,
for the petitioner.

Mr. Rajesh Arora, Advocate,
for the respondents.

JAISHREE THAKUR, J. (Oral)

This revision has been filed seeking to challenge the order dated 19.4.2016, by which the respondents—Seema Sharma and her minor son Yuvraj—have been awarded maintenance to the tune of ₹50,000/- per month (i.e. ₹35,000/- to Seema Sharma and ₹15,000/- to Yuvraj) under Section 125 of the Code of Criminal Procedure (for short '**the Code**').

In brief the facts are that the petitioner herein solemnized marriage with Seema Sharma, according to the Hindu rites and ceremonies on 21.11.2008, at Gurugram, out of which wedlock a child was born on 5.3.2011 and on account of dowry of demand, the respondent-wife was turned out of her matrimonial home along with her minor child. Resultantly, she preferred a petition under Section 125 of the Code, for grant of maintenance for herself and the minor child, which petition was allowed by

the District Judge, Family Court. It was directed that the petitioner herein would pay a sum of ₹35,000/- to respondent-wife and ₹15,000/- to respondent No.2, minor child. Aggrieved against the said order that the instant revision has been filed.

During the pendency of the revision, challenging the order of the Family Court, Gurugram, awarding maintenance as aforesaid, divorce between the parties by mutual consent has taken place, vide judgment dated 11.8.2017. A copy of the judgment has been filed and the same is taken on record.

As per the joint statement that was recorded before the District Judge, Family Court, Gurugram, the custody of the minor child shall remain with the mother and the father i.e. petitioner herein would have visitation rights to meet the minor son, as per the convenience of the child. Moreover, the parties undertook to be bound by their statements as made in the petition regarding the maintenance amount and property. The respondent-wife received a total sum of ₹16,75,085/- in lieu of EMIs of the house with an understanding that the petitioner/husband shall pay a sum of ₹5,000/- per month to the minor child till such time he studies upto 5th standard and thereafter shall pay ₹10,000/- per month till he attains the age of 18 years. The said amount shall be deposited by the petitioner herein in the account of the minor child. A post dated cheque bearing No. 000010 dated 1.1.2029 for ₹11,20,000/- drawn on HDFC Bank was also handed over by the petitioner herein to the respondent-wife, which is to be encashed, if the petitioner fails to send money through RTGS into the child's account.

I have heard learned counsel for the parties and have also perused the statement dated 11.8.2017 that has been recorded in the divorce petition filed before the District Judge, Family Court, Gurugram.

In view of the fact that the matter has been finally settled between the parties and maintenance amount has been fixed, which is also secured by way of a post dated cheque dated 1.1.2029 bearing No. 000010 for ₹11,20,000, drawn on HDFC Bank, Gurugram, this Court is of the opinion that no further orders are called for in the instant revision petition, as the same has been rendered infructuous and is disposed of as such.

Before parting with this judgment, it is hereby directed that the order passed on the maintenance under Section 125 of the Code would be substituted in terms of the settlement reduced in the judgment dated 11.8.2017.

6.12.2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No