

**(249) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-2493 of 2018 (O&M)

Date of Decision: 14.12.2018

VEERPAL KAUR AND ANR

.....Petitioners

Vs

SARABJEET SINGH

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. B.K. Saini, Advocate
for the petitioners.

Mr. A.S. Sandhu, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

1. The petitioners have assailed the order dated 19.03.2018 passed by District Judge, (Family Court), Moga vide which the application for grant of ad interim maintenance to the petitioners till the final decision of the suit was dismissed along with two other applications which were filed under Order 38 Rule 5 C.P.C. for attachment before judgment and under Order 39 Rules 1 & 2 C.P.C.

2. After hearing learned counsel for the parties the factum of order passed by the competent Court under Section 24 of the Hindu Marriage Act came to fore vide which an amount of

₹ 2500/- per month was awarded as maintenance *pendente lite* in favour of petitioner No.1 along with litigation expenses to the tune of ₹3300/- from the date of application till final realization of the amount. Arrears of maintenance were not paid by the respondent and consequently his defence was struck off and the petition under Section 13 of the Hindu Marriage Act filed by the petitioner No.1 was decreed. Thereafter a petition under Order 33 Rule 2 & 3 CPC was filed for permission to sue as an indigent person for the recovery of ₹3,25,000/- as past maintenance allowance for the period from 28.09.2016 to 28.10.2017 on account of arrears of maintenance.

3. A petition under Sections 18 and 20 of Hindu Adoption and Maintenance Act was also filed for maintenance to the tune of ₹25,000/- per month i.e., ₹15,000/- per month for the petitioner No.1 and ₹10,000/- per month for petitioner No.2. During pendency of the aforesaid petition, provisions in terms of Order 38 Rule 5 CPC i.e, attachment before judgment were also pressed into service and ad interim injunction was also sought restraining the respondent from alienating the suit property during pendency of the suit.

4. During course of arguments a consensus has been reached between the parties that the respondent would clear entire arrears of maintenance granted under Section 24 of

Hindu Marriage Act within a period of one month. Besides this ad interim maintenance at the rate of ₹2500/- for plaintiff-petitioner No.1 and ₹2500/- per month for plaintiff-petitioner No.2 would suffice to serve the purpose of ad interim maintenance during the pendency of the suit. The aforesaid payment shall take effect from the date of filing of the application and the respondent shall keep on paying during pendency of the present suit as well. The respondent further undertakes not to alienate the suit property during pendency of the suit.

5. In view of the above learned counsel for the petitioners does not press the application under Order 38 Rule 5 CPC.

6. In view of the aforesaid understanding between the parties this revision petition is disposed of.

December 14, 2018.

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No