

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

Crl. Misc. M-17940 of 2018 (O&M)
Date of Decision: November 16, 2018

Hakam Singh

...Petitioner

Versus

Swaran Kaur and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vijay Rana, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks to challenge the order dated 19.03.2018 passed by the learned Addl. Sessions Judge, SAS Nagar, Mohali whereby, the revision petition filed by the petitioner against the order dated 15.09.2017 passed by the learned Sub Divisional Judicial Magistrate, Kharar, District SAS Nagar, Mohali granting interim maintenance @ ₹ 10,000/- per month in favour of the respondents herein stands dismissed.

In brief, the facts are that a marriage was solemnized between petitioner-Hakam Singh and respondent No.1-Swaran Kaur, out of which wedlock 05 children were born. The respondents filed an application under Section 125 Cr.P.C. against the petitioner claiming maintenance, in which proceedings the petitioner put in appearance and on the statement made by the petitioner before the trial court, an order dated 15.09.2017 came to be

passed, by which statement the petitioner agreed to deposit ₹ 10,000/- per month as interim maintenance in the bank account of complainant/respondent No.1 by 15.10.2017 and thereafter, every month. Against the said order, the petitioner preferred a revision before the learned Addl. Sessions Judge, SAS Nagar Mohali, which was dismissed, while taking into account the statement given by the petitioner himself that he would deposit ₹ 10,000/- per month in the bank account of his wife. Thereafter, the instant petition has been filed.

Learned counsel appearing on behalf of the petitioner herein contends that the amount of interim maintenance, as awarded, is highly excessive. It is contended that the petitioner has already spent large sum of money, while getting his two daughters married. It is also submitted that the respondent is continuing to reside in her matrimonial home.

I have heard learned counsel for the petitioner and have also perused the pleadings of the case.

Admittedly, the marriage between the parties is not in dispute nor is the fact that applicant/respondent No.1 herein is legally wedded wife of the petitioner herein. Respondents No.2 and 3 herein are the unmarried daughters of the petitioner. The matter has yet to be decided finally regarding quantum of maintenance payable to the applicants/respondents, after evidence has been led. It is the petitioner herein who had made a statement that he would deposit ₹ 10,000/- as maintenance in the bank account of his wife and on the basis of this statement that the said interim maintenance has been fixed. Under these circumstances, when the petitioner himself volunteered to make the said amount as interim

maintenance, he cannot be permitted to resile from the same.

In view of the above, there is nothing wrong in the impugned orders so passed. Consequently, the petition in hand is hereby dismissed.

November 16, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No