

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-20702 of 2017
Date of Decision: 05.4.2018**

Gagandeep Singh

.....Petitioner

Versus

Akshit Arora

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Veneet Sharma, Advocate
for the respondent.

ANITA CHAUDHRY, J

The petitioner has challenged the orders dated 12.9.2016 (Anneuxre P-9) vide which interim maintenance of Rs. 1000/- per month has been allowed to the child whereas the maintenance was denied to the wife. He also challenges order dated 20.1.2017 (Annexure P-10) vide which the revision filed by the petitioner was dismissed.

Notice was given to the other side. Both the parties are present. The petitioner is disputing the interim maintenance to the child and his plea is that the wife had already accepted two amounts i.e. Rs. 3,55,000/- and another sum of Rs. 3,60,000/- and had settled all the issues and maintenance could not be allowed or the amount paid should have been ordered to be adjusted and both the Courts below have ignored the fact that there was a full and final settlement and the settlement had been made by the wife in the

Courts which records the fact that she had received two separate amounts.

Counsel appearing for the respondent states that only one amount of Rs. 3,60,000/- was received and not two amounts and only a sum of Rs. 1000/- per month has been allowed as interim maintenance for the child. The counsel also urges that had two amounts been paid then that fact would have been referred by the petitioner when the order for payment of interim maintenance was passed on 12.9.2016.

The documents made available by the petitioner show that Nidhi had made a statement before the Additional District Judge, Amritsar regarding receipt of amount of Rs. 1,77,500/- pursuant to the compromise arrived earlier. Counsel for the petitioner had pointed out that the compromise which was arrived at is Annexure P-2. There is another compromise Annexure P-6 according to which a sum of Rs. 3,60,000/- had been paid. The respondent admits to have received only Rs. 3,60,000/-. There is an affidavit of the respondent as well. The respondent is disputing the first amount paid in 2014. It is also stated that the amount which had been received by her did not relate to the maintenance of the child.

Considering the above, I am of the view that since the trial Court is yet to determine whether two separate amounts of Rs. 3,55,000/- and Rs. 3,60,000/- had been paid to respondent, it would be appropriate to direct that the interim maintenance allowed by the Court below will not be paid to the respondent but would be deposited by the petitioner in the Court and would be subject to the result in the main petition. If ultimately it is found that the amount had been paid twice then the petitioner would be entitled to withdraw the amount ordered to be deposited vide this order.

The respondent would also have the remedy of recovery in execution if her

application is allowed.

The petition is disposed of with the above directions.

(ANITA CHAUDHRY)
JUDGE

April 05, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No