

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

Crl. Misc. M- 45458 of 2016 (O&M)
Date of Decision: 18.9.2018

Vandana and another

...Petitioners

Versus

Shiv Darshan

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioners.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure seeking modification of the order dated 9.12.2015 passed by the Additional Sessions Judge, Fazilka.

In brief, the facts are that a dispute arose between petitioner No.1 and the respondent, which led to a complaint being filed under Section 12 of the Protection of Women From Domestic Violence Act. Apart from the complaint, an application under Section 125 of the Code of Criminal Procedure for maintenance was also filed. The application was heard on and by order dated 4.9.2015, the petitioners were held entitled to interim maintenance of ₹6,000/- per month i.e. ₹4,000/- to petitioner No.1—wife and ₹2,000/- to the minor—petitioner No.2. Aggrieved against the said order, a revision petition was preferred seeking enhancement of the same, which was subsequently enhanced and the petitioner No.1 was held entitled to ₹6,000/- and petitioner No.2 entitled to ₹4,000/- per month from the date

of filing of the revision. Against this order, the petitioners herein have approached this Court seeking enhancement of the same.

This petition was filed as far back as 29.9.2016 and thereafter the case was adjourned on several occasions. On 7.7.2017, when the case was taken up, there was no one present to represent the petitioners and the case was adjourned to 16.11.2017. On 16.11.2017, the matter was adjourned By Order by the Special Secretary for 27.4.2018. On 27.4.2018, the matter stood adjourned for today. Today when the matter was taken up on its turn, there is no appearance on behalf of the petitioner.

The pleading of the petitioners that the respondent is owner of 127 kanal of land and is earning hefty income from this is yet to be established by leading oral as well as documentary evidence. In such a situation, when there is no representation on behalf of the petitioners and keeping in view that it is only interim maintenance that has been decided, no interference is called for at this stage, leaving it open to the petitioners to take all the available pleas before the trial court.

With the above observations, the petition stands disposed of.

18.9.2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No