

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRR-1295-2016 (O&M)
Date of decision : 28.08.2018

Pargat Singh

.....Petitioner(s)

Versus

Sukhwinder Kaur and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rajeshwar Singh Thakur, Advocate
for the petitioner.

Ms. Amarjit Kaur, Advocate
for the respondents.

ANITA CHAUDHRY, J(ORAL)

The petitioner has assailed the order vide which he has been directed to pay maintenance of Rs.11,000/- per month in the complaint filed under the Domestic Violence Act.

The only submission on behalf of the petitioner is that the respondents have filed a petition under Section 125 Cr.P.C. where maintenance of Rs.10,000/- per month had been allowed, which was upheld by the Revisional Court and the matter came before this Court and from June 2011 onwards the maintenance ordered is Rs.10,000/- per month.

The counsel urges that the same Court while hearing the appeal directed payment of Rs.11,000/- per month as maintenance when the parties were same and the income remains the same. The counsel urges that the order passed in the application under Section 125 Cr.P.C. had been affirmed by the High Court in CRM-M-29748-2015, decided on 27.07.2017.

Counsel for the respondents urges that an SLP has been filed and the matter is pending before the Supreme Court. The counsel urges that the petitioner had misrepresented to this Court earlier and therefore, an application for modification of the order was filed and vide order dated 31.01.2017, the interim order was vacated in Crl. Misc. No.29748 of 2015.

The complaint under the Domestic Violence Act had been filed in 2009, which was dismissed on 21.04.2015. The respondent carried an appeal at the instance of the respondents and the First Appellate Court allowed maintenance of Rs.11,000/- per month from the date of order i.e. 21.04.2015 subject to adjustment of any other maintenance allowed to the wife in any other litigation.

In CRM-M-29748-2015, the respondents had been allowed maintenance of Rs.10,000/- per month. The parties are the same. The income of the husband is the same, therefore, it is necessary to modify the order and it is ordered that the maintenance that would be payable would be Rs.10,000/- per month.

The petition is partly allowed.

28.08.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No