

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

Criminal Revision No. 2435 of 2018 (O&M)
Date of decision: 30.7.2018

Sandeep Kaur and another

...Petitioners

Versus

Vikram Pal Singh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ram Pal Verma, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks to challenge the order dated 30.4.2018 passed by learned Additional Sessions Judge, Rupnagar, vide which order dated 12.2.2013 passed by the Sub Divisional Judicial Magistrate, Anandpur Sahib in Application No. 24 of 2012 dated 11.4.2012 titled Sandeep Kaur etc. Versus Vikrampal Singh and others filed under the provisions of the Domestic Violence Act was upheld. The SDJM by order dated 12.2.2013, had assessed maintenance payable to the petitioners herein at the rate of ₹2500/- per month to be paid to petitioner No.1 and a sum of ₹1500/- to be paid to minor daughter as interim maintenance from the date of application. As regards accommodation and right of residence, it was held that the property in question belonged to father-in-law—respondent No.2 herein. It was also noted that respondent No.1, the husband has already taken property on rent for accommodation of the petitioners and that

he would pay the monthly rent of the property to the landlord. It was further held that in case the husband fails to pay rent to the landlord he would also be liable to pay ₹4500/- per month to the petitioner, who will further pay the same to the landlord. Aggrieved against the said order, as already noticed, an appeal came to be filed which was ultimately dismissed by holding that the payment of maintenance as passed by the lower court is reasonable and does not call for interference, being an interim order, while also directing the petitioners to vacate the said house within a period of two months from 25.5.2018.

Learned counsel for the petitioners would contend that during the pendency of these proceedings, petitioner No.1 has given birth to a minor daughter and, therefore, they are three persons who have to be taken into consideration, while assessing the interim maintenance. It is also argued that as on date, there is no alternative accommodation which is available to petitioner No.1 and she is still residing in the matrimonial home alongwith her children.

I have heard learned counsel for the petitioners and perused the judgments and find no infirmity in the same.

The case is yet to be finally concluded by the trial court on the evidence led before it. A provision has been made by the Court providing for alternative accommodation of the petitioners herein as reflected in the orders so passed, while also taking care that in case respondent No.1 does not make payment of rent to the landlord, then he would have to ₹4500/- per month to the petitioners towards rent so that they can pay the same to the landlord. This Court is informed that the petitioners have not received

either the interim maintenance or the rent. The petitioners herein are at liberty to avail remedy available to them in law. In case any execution petition is filed, the same shall be dealt with expeditiously, preferably within a period three months from the date of filing of such execution petition.

The revision petition is disposed of accordingly.

30.7.2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No