

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 6765 of 2018 (O&M)

Date of Decision: 31.10.2018

SUMER SINGH

... Appellant

VS.

JYOTI

...Respondent

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**
 HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Manish Kumar, Advocate,
 for Mr. Bhim Singh, Advocate,
 for the appellant.

RAKESH KUMAR JAIN, J. (Oral)

This appeal has been filed against the order dated 21.08.2018 passed in the application filed under Section 24 of the Hindu Marriage Act, 1955 (for short “the Act”) during the proceedings of the petition filed under Section 9 of the Act by the appellant.

Learned counsel for the appellant has submitted that the respondent is already getting maintenance in terms of Section 125 of the Cr. P.C. and also in terms of the provisions of the Protection of Women from Domestic Violence Act, 2005. It is further submitted that the learned trial Court has not clarified as to whether the appellant is liable to pay the amount of maintenance *de hors* the maintenance already being received by the respondent in terms of Section 125 of the Cr. P.C.

After hearing learned counsel for the appellant, we are of the considered opinion that this matter does not require any interference by this Court because the remedy would be available to the appellant to file an appropriate application for seeking clarification of the order dated 21.08.2018 in the same Court.

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Faced with these observations, learned counsel for the appellant prays for withdrawal of the present petition with liberty to file appropriate application before the trial Court for seeking clarification of the order dated 21.08.2018.

Dismissed as withdrawn.

Liberty granted.

October 31, 2018

Ess Kay

**[RAKESH KUMAR JAIN]
JUDGE**

**[ANUPINDER SINGH GREWAL]
JUDGE**

***Whether speaking / reasoned* : Yes / No**

***Whether Reportable* : Yes / No**