

RA-CR-82-CII-2018 in CMM-24-2015 in
FAO-M-278-2014

Manjinder Singh Vs Jasjit Kaur

Present: Ms. S.S. Mann, Advocate for the applicant/appellant.

Review of the order dated 20.3.2018 has been claimed on the ground that the wife had herself waived of her claim of maintenance in proceedings under Section 125 Cr.P.C., in view of the fact that she has been in government job and earning more than ₹ 31,000/- per month.

We have considered the contention of learned counsel for the applicant/appellant and also gone through the orders passed under Section 125 Cr.P.C. The withdrawal of the claim of maintenance in proceedings under Section 125 Cr.P.C. by the wife will not *ipso facto* prejudice the statutory right of a wife to claim maintenance under Section 24 of the Hindu Marriage Act, 1955. Besides this all the facts and circumstance have been taken into consideration while passing the order dated 20.3.2018, wherein only a meager amount of ₹ 5,000/- per month has been awarded in addition to the interim maintenance awarded under Section 125 Cr.P.C., which is in the nature of compensation to her for bringing up the minor child single handed whereas this is the responsibility of both the spouses.

No ground is made out for review of the order dated 20.3.2018 as this Court is not capable of considering an appeal against its own order on the basis of the alleged points raised by counsel for the applicant/appellant. The review application is accordingly dismissed.

To come up on 22.5.2018, the date already fixed, for clearing the arrears of maintenance.

Let the arrears of maintenance be paid on next date of hearing.

In case a request is made by counsel for the applicant/appellant on next date of hearing for expeditious disposal of the appeal, the same will be decided expeditiously after clearing the arrears of maintenance *pendente lite*.

(M.M.S. Bedi)
Judge

1.5.2018
pankaj

(Gurvinder Singh Gill)
Judge