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

**Civil Revision No.5745 of 2016 (O&M)
Date of Decision: 07.02.2019**

SHIV KUMAR

.....Petitioner

Vs

RAJNESH KUMARI @ RAJNIRespondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Atul Yadav, Advocate
along with petitioner in-person.

Mr. Abhinav Sood, Advocate
along with respondent in-person.

RAJ MOHAN SINGH, J. (Oral)

[1]. In compliance of order dated 07.01.2019, today an amount of Rs.53,000/- has been paid by the petitioner to the respondent, who is present in Court.

[2]. Petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the respondent was decreed by the District Judge, Narnaul vide judgment and decree dated 07.07.2017. Respondent has contracted re-marriage after the divorce

[3]. The application under Section 24 of the Act was filed on 02.01.2015 during pendency of the petition under Section 13 of

the Act. The said application was allowed on 11.07.2016. The amount of maintenance was ordered to be paid to the respondent from the date of filing of the application. An amount of Rs.5,000/- was granted towards maintenance *pendente lite* and an amount of Rs.10,000/- was awarded towards litigation expenses.

[4]. Vide order dated 05.09.2016, the Co-ordinate Bench of this Court stayed the amount upto Rs.3000/- out of maintenance *pendente lite* and Rs.5000/- towards litigation expenses. In essence, an amount of Rs.2000/- per month was payable towards maintenance *pendente lite* along with an amount of Rs.5000/- towards litigation expenses during pendency of the present revision petition.

[5]. During course of hearing on 07.01.2019, it was brought to the notice of the Court that in the proceedings under Section 125 Cr.P.C., the respondent has made a statement that she does not wish to take any maintenance allowance from the petitioner. Evidently, an amount of Rs.1500/- per month was awarded in the proceedings under Section 125 Cr.P.C. It was further observed that both the parties are *ad idem* that since divorce has already been granted on 07.07.2017, therefore, due amount under Section 24 of the Act was for 30 months i.e. total Rs.60,000/- as per interim order dated 05.09.2016. If the

computation of due maintenance is made as per the said interim order, an amount of Rs.65,000/- would be payable to the respondent. Only an amount of Rs.12,000/- was paid as on 07.01.2019. Learned counsel for the parties concurred to the final settlement between the parties on receipt of remaining amount of Rs.53,000/- from the petitioner. The case was adjourned for today.

[6]. Today, an amount of Rs.53,000/- has been received by the respondent towards full and final settlement of her claim towards maintenance with a clear understanding that nothing is due from the petitioner in future.

[7]. Learned counsel for the respondent on instructions from the respondent-Rajnesh Kumari @ Rajni submits that the respondent would withdraw pending execution in the trial Court.

[8]. In view of above, this revision petition is disposed of as the claim of the respondent stands fully satisfied on the basis of consensus arrived at between the parties in the aforesaid manner.

February 07, 2019

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No