

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-10158-2014

Date of Decision:30.04.2019

Heena

.....Petitioner

Versus

Gulshan Kumar

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sudhir Kumar, Advocate,
for the petitioner.

Mr. Aditya Sanghi, Advocate,
for the respondent.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for setting aside the order dated 15.07.2013 passed by learned Additional Sessions Judge, Rewari, whereby the order dated 08.04.2013 passed by learned Judicial Magistrate 1st Class, Rewari, awarding maintenance to the petitioner in proceedings under Section 125 Cr.P.C., was set aside.

Learned counsel for the petitioner has argued that mother of the petitioner, namely, Seema solemnized the marriage with the respondent- Gulshan Kumar on 06.12.2001 and the petitioner was born out of this wedlock on 29.10.2002. The petitioner along with her mother were turned out from the matrimonial home by the respondent in July, 2003. Since the temperament of the mother of the petitioner and the respondent was not

compatible, they opted for divorce and accordingly, a decree of divorce was passed on 28.02.2019 and the settlement was entered between them, whereby a sum of ₹2,75,000/- was paid as permanent alimony to Seema including the maintenance and education of the petitioner. After granting the divorce, Seema (mother of the petitioner) and the respondent-Gulshan Kumar have solemnized another marriage. In the absence of any source of income, the petitioner who is a student and is pursuing 10+2 commerce stream had approached learned Judicial Magistrate 1st Class, Rewari, in the proceedings under Section 125 Cr.P.C. for the grant of maintenance.

Vide judgment dated 08.04.2013, learned Magistrate held the petitioner entitled to get maintenance @ ₹4,000/- per month from the date of filing of the petition from the respondent, who is her father. The order dated 08.04.2013 was made subject matter of challenge by the respondent by way of revision petition and vide judgment dated 15.07.2013, learned Additional Sessions Judge, Rewari, had accepted the revision petition filed by the respondent on the ground that the compromise was entered into between the respondent and Seema and pursuant thereto, the petitioner was also given maintenance amount for past and future, which has duly been received by Seema.

Not satisfied with the aforesaid judgment dated 15.07.2013 passed by learned Additional Sessions Judge, Rewari, petitioner has filed the present revision petition under Section 482 Cr.P.C.

Petitioner-Heena along with her grand maternal mother and the respondent are present in person. After having interaction with the parties, this Court finds that the respondent-father has come forward and has offered to give another amount of ₹4,50,000/- to the petitioner for her past, present

and future maintenance. This amount is duly accepted by learned counsel for the petitioner in the presence of the petitioner herself.

Learned counsel for the respondent has filed an affidavit of the respondent-Gulshan Kumar, which is taken on record, stating therein that the parties have mutually decided for a lump-sum one time settlement for past and future maintenance/education to the tune of ₹4,50,000/- which would be paid by the respondent to his daughter-Heena (petitioner herein) within three weeks from today. It has also been mentioned in the affidavit that out of this amount, the respondent shall deposit a sum of ₹1,50,000/- in the saving account of petitioner-Heena so that she can make her day-to-day expenses, whereas the remaining amount of ₹3,00,000/- would be deposited in the shape of fixed deposit in the name of petitioner and interest accrued on the said FDR shall be utilized exclusively by the petitioner for her personal expenses till she get married.

The petitioner would be entitled to seek encashment of the FDR at the time of her marriage and can utilize that amount for the purpose of her marriage expenses. This satisfies the learned counsel for the petitioner.

In terms of the affidavit so submitted by the respondent, who is present in the Court, the respondent shall deposit a sum of ₹1,50,000/- in the saving bank account of the petitioner within three weeks from today. Similarly, the remaining amount of ₹3,00,000/- would be deposited by way of FDR in the name of the petitioner within the same period, failure on the part of the respondent in depositing the aforesaid amount shall attract the contempt proceedings.

It goes without saying that the respondent being father though may not be further legally bound to give any further maintenance over and

above the amount as reflected in the affidavit, but it depends upon his morality to help the petitioner in future if his financial status improves drastically.

Petitioner is directed to cooperate with the respondent to facilitate the transactions i.e. opening of saving account and deposit of FDR etc.

The present petition stands disposed of accordingly.

April 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No