

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

**CRM-M-19071-2019 (O&M)
Date of Decision: 29.4.2019**

Shekhar Gupta

.....PETITIONER(s).

VERSUS

State of Haryana and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Roma Bhagat, Advocate with
Mr. Pranam Priya, Advocate,
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

This is a petition under the provisions of Section 482 of the Code of Criminal Procedure for quashing the order dated 27.11.2018 (Annexure P-2) passed by learned Additional Sessions Judge, Gurugram in CIS No.358/2018 filed under Section 29 of the Protection of Women from Domestic Violence Act thereby upholding/modifying the order dated 23.5.2018 (Annexure P-1) passed by learned Judicial Magistrate, Gurugram in DV No.198 of 2016, titled Neha Gupta v. Shekhar Gupta and others filed under Sections 19 read with Section 23 of the Act ibid whereby the petitioner was directed to pay interim maintenance to the minor son @ ₹ 3,000/- per month plus school fees which is quantified at ₹ 8,000/- per month along with ₹ 6,000/- per month for day care (total ₹ 17,000/-). However, in appeal filed by the petitioner, said order dated 23.5.2018 has been modified to the extent that the petitioner husband is

directed to pay ₹ 11,000/- instead of ₹ 17,000/- per month as interim maintenance.

Instead of making the aforesaid payment, the petitioner preferred this petition.

Heard.

The petitioner is stated to be the director of the company M/s Krishna Surya Cold Storage Private Limited, Jhumri Telaiya, Hazaribagh, Jharkhand. After going through the material available on record, this Court is of the view that for the education and day to day expenses of the minor child, this amount of interim maintenance is appropriate to the circumstances of the case.

No ground is made out for interference in the impugned order.

Dismissed. However, it is made clear that the amount of maintenance shall be the first charge on the property of the petitioner.

April 29, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No