

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

CRM-M-28820 of 2019.

Decided on:- July 10, 2019.

Amarjit Singh.

.....Petitioner.

Versus

Bhupinder Kaur and another

.....Respondents.

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

Present:- Mr. Ashish Gutpa, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.PC is for setting aside the order dated 22.10.2018 (Annexure P-3) passed by learned Sessions Judge, Ferozepur, whereby the revision preferred by the respondents against the order dated 28.03.2018 passed by the Sub-Divisional Judicial Magistrate, Zira, was partly accepted and the interim maintenance of Rs.1500/- per month awarded to respondent No.1 was enhanced to Rs.10,000/- per month.

Learned counsel for the petitioner has argued that respondent No.1 had not approached the Court below with clean hands. In fact, she was working as a teacher with Jawahar Navodaya Vidyalaya, Dhanansu, District Ludhiana. He has referred to the information dated 26.04.2019 (Annexure P-4) received under the Right to Information Act.

Having heard learned counsel for the parties and perusing the impugned order, this Court finds that the information (Annexure P-4) was issued to the petitioner on 26.04.2019 that respondent No.1 was working as teacher since 08.10.2018, whereas the impugned order was passed by the revisionary Court on 22.10.2018. Thus this fact was not brought to the notice of the revisionary Court. Further, the maintenance enhanced by the revisionary Court is interim in nature. Therefore, the petitioner is at liberty to raise this issue before the Court where the proceedings under Section 125 Cr.P.C. are pending consideration.

Faced with this situation, learned counsel for the petitioner seeks withdrawal of the present petition, however, with liberty to take plea of employment of respondent No.1 before the trial Court, where the proceedings under Section 125 Cr.P.C. are pending consideration.

Dismissed as withdrawn with liberty aforesaid.

July 10, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No