

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

CRR (F) No.781 of 2019 (O&M)

Decided on:- October 14, 2019.

Gurinder Singh.

.....Petitioner.

Versus

Arshdeep Kaur and another

.....Respondents.

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

Present:- Mr. Parunjeet Singh, Advocate
for the petitioner.

HARI PAL VERMA, J.(Oral)

The petitioner has filed present criminal revision against the order dated 17.09.2019 passed by learned District Judge (Family Court), Faridkot, whereby on an application filed by the respondents, who are wife and minor son of the petitioner, seeking interim maintenance in the petition under Section 125 Cr.P.C., the family Court, considering the fact that the petitioner is employed in Punjab Police and is drawing gross salary of Rs.51,677/- and after deduction of Rs.5,156/- the net salary of Rs.46,521/- per month, has awarded interim maintenance @ Rs.9,000/- per month to respondent No.1-wife and Rs.8,000/- per month to respondent No.2-minor son with effect from the date of filing of the application.

Learned counsel for the petitioner has argued that during pendency of the petition under Section 125 Cr.PC, the petitioner had filed an application so as to conduct DNA test of respondent No.2-minor son

Jobanpreet Singh, but without deciding the said application, which is pending for the last about a year, the interim maintenance has been awarded by the family Court. He has referred to **2014(1) RCR (Criminal) 655** titled as ***Nandlal Wasudeo Badwaik Versus Lata Nandlal Badwaik and another.***

I have heard learned counsel for the petitioner.

In ***Nandlal Wasudeo Badwaik's case (supra)***, Hon'ble Supreme Court, while considering the earlier judgment in **2010(4) RCR (Civil) 53** titled as ***Bhabani Prasad Jena Versus Convenor Secretary, Orissa State Commission for Women and another***, has held that when there is a conflict between a conclusive proof as envisaged under law and a proof as envisaged under law and a proof based on scientific advancement accepted by the world community to be correct, the latter must prevail over the former.

However, in the present case, the application for DNA test has yet not been decided by the family Court and the maintenance granted to the respondents is interim in nature as the main petition under Section 125 Cr.PC filed by the respondents is still pending. Therefore, this Court finds that when the awarded maintenance is interim in nature, which shall be adjudicated at the time of final disposal of the petition under Section 125 Cr.P.C., no interference is warranted with the impugned order dated 17.09.2019 passed by the family Court.

Accordingly, affirming the impugned order dated 17.09.2019 passed by learned District Judge (Family Court), Faridkot, present criminal revision, being devoid of any merit, is dismissed.

Since the present petition is based on interim maintenance, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the main case and the family Court shall decide the same without being influenced with these observations in any manner.

October 14, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No