

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

CRM-M-45854 of 2018 (O&M)

Date of Decision: February 27, 2020

Naveen

...Petitioner

Versus

Neha and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anshul Sharma, Advocate for
Mr. Siddharth Gulati, Advocate
for the petitioner.

Mr. Gautam Kamboj, Advocate for
Mr. Mohit Aneja, Advocate
for respondent No.1.

JAISHREE THAKUR, J. (Oral)

1. This is a petition that has been filed seeking to challenge the order dated 20.02.2018 passed by the Judicial Magistrate Ist Class, Panipat granting interim maintenance to the respondent-wife as well as order dated 09.08.2018 passed in appeal by the Addl. Sessions Judge, Panipat.

2. In brief, the facts of the case are that respondent-wife herein filed a petition under Section 125 Cr.P.C. for grant of maintenance allowance, wherein, interim maintenance has been allowed @ ₹ 3000/- per month to the respondent-wife and the minor child. Aggrieved against the said order, a revision was filed by the petitioner herein before the Addl. Sessions Judge, Panipal, which stood dismissed. Now both the orders

passed by the courts below have been challenged in this petition.

3. This court by an order dated 17.10.2018 had directed the parties to appear before the Mediation and Conciliation Centre of this Court, on the asking of the counsel for the petitioner, to explore the possibility of an amicable resolution to the dispute, since the petitioner herein had filed a petition under Section 9 of the Hindu Marriage Act, which petition stood allowed. The petitioner was also directed to pay a sum of ₹ 11,000/- to the respondent-wife towards litigation expenses.

4. Counsel for the respondents informs this court, neither have arrears of interim maintenance being cleared nor have the litigation expenses being paid.

5. On the last date of hearing, notice has been issued to the counsel for the petitioner to explain as to why the petition should not be dismissed.

6. Today, counsel for the petitioner informs the court that the client has taken back the brief.

7. I have heard counsel for the parties and have also perused the impugned orders.

8. Admittedly, the respondents had filed a petition claiming maintenance under Section 125 Cr.P.C. wherein, interim maintenance @ 3000/- per month had been allowed to them. Revision filed by the petition against the said order was dismissed by the Addl. Sessions Judge, Panipat. In the opinion of this court, the interim maintenance allowed by the court is not highly excessive. Without any evidence on the record, it can safely be presumed that the petitioner is capable of earning ₹ 12,000/- per month

being an able bodied person.

9. In view of the above, the petition in hand stands dismissed. Needless to say, final maintenance would be fixed on the basis of the evidence led by the parties.

February 27, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No