

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

107

CRM-M-38064-2020

Date of Decision: 18.11.2020.

Neeraj Tiwari and another

....Petitioners.

Versus

Mohit Tiwari

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr.Vaibhav Sehgal, Advocate for petitioners.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 482 Cr.P.C. is for issuance of appropriate directions to the trial Court to decide the application for grant of interim maintenance expeditiously on the next date of hearing i.e. 24.11.2020 or within a period of one month as petitioners are facing hardship for want of maintenance allowance.

Learned counsel for the petitioners *inter alia* contends that petition under Section 125 Cr.P.C. seeking maintenance was moved by the petitioners before the Court concerned on 21.11.2018. Apart from that application of even date for grant of interim maintenance was also moved. Requisite notice was served upon respondent-husband but on account of his non-appearance, he was proceeded *ex-parte* by the trial Court. No effort has been made at the instance of trial Court to dispose of application for grant of interim maintenance and the same is pending adjudication till date. In *ex-parte* evidence, statements of AW-1 Kamal Shukla and AW-2 Neeraj Tiwari (petitioner-wife) have already been recorded on 22.08.2019 and 24.10.2019 respectively. Prayer has been made for early disposal of above said

I have heard learned counsel for the petitioners and carefully gone through the record of the case.

Once it has come on record that application for grant of interim maintenance is pending since 21.11.2018; the fact that despite service of notice of main petition and miscellaneous application as well, the respondent-husband did not opt to contest the petition and the fact that in *ex-parte* evidence, statements of material witnesses AW-1 Kamal Shukla and AW-2 Neeraj Tiwari (petitioner-wife) have already been recorded on 22.08.2019 and 24.10.2019 respectively, in this scenario, instant petition is disposed of with the directions that earnest and sincere efforts shall be made at the instance of trial Court to dispose of miscellaneous application dated 21.11.2018 moved by the petitioners seeking interim maintenance at the earliest and preferably within a period of one month positively from the date of receipt of copy of order of this Court.

With the above said observations made and directions issued, the present petition stands disposed of.

November 18, 2020
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(LALIT BATRA)
JUDGE

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No