

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

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CRR(F)-403-2020(O&M)

Date of decision : 21.12.2020.

Hunny Gour

.....Petitioner

Vs.

Minakshi Gour

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Vivek Arya, Advocate, for the respondent.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This a criminal revision petition challenging the order dated 15.09.2020 passed by the Additional Principal Judge, Family Court at Gurugram in complaint No.146 dated 31.07.2020 titled 'Minakshi Gour Vs. Hunny Gour' vide which Rs.25,000/- has been awarded to the respondent from the date of filing of the petition as interim maintenance.

The case as set up by the learned counsel for the petitioner is that the petitioner, as per the documents appended by him along with the petition, is earning an amount of Rs.17,125 per month approximately and over and above the said amount, being a Flight Attendant, he gets a flying allowance. As per the learned counsel for the petitioner, the petitioner has not flown since March 2020 and hence has not been getting any flying allowance and has only been earning his fixed salary.

Mr. Vivek Arya, Advocate, appearing on behalf of the respondent, has stated that the respondent has a pre-mature child born on 14.11.2020 who was admitted in the Neo Natal ICU and the child had to be got discharged against medical advice due to paucity of funds. It is further contented that the child has various medical problems and there is a lot of expenditure which she has to incur on the treatment of the child.

It is further the contention of the learned counsel for the respondent that the petitioner has not been bothered to come and visit the child since the child's birth.

I have heard learned counsel for the parties.

The question in the present case regarding the income of the petitioner will be gone into by the Court below on the basis of the evidence which is led by the parties. At this stage, suffice it to say, that the respondent has a new born pre-mature baby who needs to be cared for as well as she requires some amount for her own maintenance.

In view of the above, without going into the merits of the case, this court deems it appropriate to dispose off the present petition with a direction that the petitioner would pay the arrears of maintenance at the rate of Rs.25,000/- till date. Out of the arrears of maintenance which are due, the petitioner shall pay an amount of Rs.50,000/- within a week from today and the balance amount, upto date, shall be cleared by 27.01.2021.

Further, the Additional Principal Judge, Family Court at Gurugram is directed to decide the present matter within a period of two months from the date of receipt of a certified copy of this order. It is made clear that that petitioner would at liberty to raise all the arguments before the Trial Court.

It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

December 21, 2020
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No