

Sr.No.239

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

CRR-44-2020(O&M)

Date of decision:20.08.2021

(Heard through VC)

Sunny Puri

... Petitioner

versus

Saugandhi Puri @ Sugandhi Batta and another

... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Atul Goyal, Advocate
for the petitioner.
Mr.Vikas Bali, Advocate
for the respondents.

JAISHREE THAKUR, J.(Oral)

This revision petition has been preferred against the order passed by the Additional Principle Judge, Family Court, Ludhiana dated 14.11.2019 whereby interim maintenance to the tune of Rs.25,000/- per month had been granted to the respondents in the maintenance petition filed.

As the marriage between the petitioner and respondent No.1 failed and the parties started residing separately, a petition under Section 125 Cr.P.C was filed initially before the Judicial Magistrate, Ludhiana seeking maintenance in which interim maintenance was allowed by directing the petitioner herein to pay an amount of Rs.15,000/- per month to the wife-respondent No.1 and an amount of Rs.10,000/- per month to the minor

daughter. The petitioner husband has approached this Court challenging the said interim maintenance allowed by contending that wife-respondent No.1 is already getting an amount of Rs.5,000/- per month in the proceedings under the Protection of Women from Domestic Violence Act and therefore, if he is to pay Rs.25,000/- plus Rs.5,000/- under the aforesaid proceedings then total amount of Rs. 30,000/- would be payable to the respondents. A co-ordinate Bench of this Court by an order dated 15.01.2020 while issuing notice of motion had directed that maintenance beyond an amount of Rs.20,000/- would remain stayed while making it clear that this order would not affect the payment of maintenance under the Protection of Women from Domestic Violence Act.

Appearance has been caused on behalf of the respondents who has also filed an application for vacation of the interim order. It is contended that the petitioner herein has deliberately violated the orders so passed and has failed to make payments of Rs.20,000/- per month in terms of the order passed by this Court while contending that he is in arrears of maintenance amounting to almost Rs.9 lakhs.

Notice was issued on the application of vacation of stay and the matter was listed on 16.07.2021 on which date an order was passed for the petitioner to file an affidavit regarding payment of maintenance disbursed to the respondents. However, when this matter was taken up for hearing today Mr. Goyal, counsel appearing on behalf of the petitioner expresses his helplessness in furnishing such information.

I have heard the learned counsel for the parties and find that

once the petitioner herein has approached this Court and sought interim relief which was allowed to him vide order dated 15.01.2020 it became incumbent upon him to comply with the said order but he has failed to do so. He has also failed to give the details of the payments of maintenance made to the respondents herein. Consequent of such a default, this Court finds no ground to interfere as petitioner has failed to comply with the order dated 15.01.2020. This Court finds it difficult to entertain the very petition itself.

Dismissed.

The application for vacation of interim order is rendered infructuous and is disposed of accordingly.

However, while disposing of this petition it is made clear that this order is being passed only on an order whereby interim maintenance has been allowed. Needless to say that the trial Court will decide the final maintenance payable to the respondent-wife and the minor child on the evidence adduced.

20th August, 2021

Shivani Kaushik

[JAISHREE THAKUR]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No