

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CRM-M-13145 of 2021
Date of Decision: 23.04.2021

Gaurav Suri

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Anita Tiwari, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Counsel for the petitioner submits that the application of the respondent seeking interim maintenance under the provisions of Section 20 of the Protection of Women from Domestic Violence Act 2005 had already been dismissed by the JMIC, Gurugram, on 07.06.2017 (copy Annexure P-2), holding therein that the respondent at that stage was earning a salary of Rs.15,000/- per month and therefore would not be entitled to any interim monetary relief.

She further submits that even in the petition filed by the respondent before the Principal Judge, Family Court, Rohini (Delhi), the respondent had admitted that her monthly income was Rs.57,000/- (reference Annexure P-5 herewith).

She submits that therefore the affidavit submitted by her with the petition before the competent court at Gurugram (as is under challenge in the present petition), is a wholly false affidavit to the effect that she is not earning any money at all; and consequently she does not deserve maintenance.

It is to be noticed that this is a petition seeking quashing of the petition/application filed by the respondent under the provisions of Section 12 of the Protection of Women from Domestic Violence Act 2005.

A perusal of that application (copy Annexure P-1) shows that a large number of allegations have been made therein qua cruelty to the applicant (respondent herein), with a large number of reliefs sought by her (in that application), including seeking protection under Section 18 of the said Act, provisions of residence under Section 19 thereof, monetary relief under Section 20 thereof, orders for custody under Section 21 thereof and for compensation as per Section 22 etc.

Therefore, even if it is accepted by this court that she has filed a false affidavit qua lack of earnings, as regards the other allegations made by her in the application, obviously those would be required to be gone into by the trial court and appropriate orders passed thereafter after duly considering the evidence led.

Consequently, the application for interim maintenance filed by the respondent herein, already having been dismissed by the learned JMIC, vide his order Annexure P-2, finding no merit in this petition, it is dismissed *in limine*.

However, nothing stated hereinabove will affect the merits of the case before the trial court which, naturally, as already said, would be considered and adjudicated upon wholly as per the evidence led before that court.

April 23, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No