

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

CRR(F) No.110 of 2021 (O&M)

Date of Decision:20.09.2021

(Heard through VC)

Devinder Singh

...Petitioner

Versus

Deepa and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Yasvir Kharab, Advocate
for the respondents.

JAISHREE THAKUR, J. (ORAL)

The petitioner herein has challenged the order dated 30.01.2020 whereby the petitioner has been directed to pay an interim maintenance of Rs.8,000/- per month to the respondents from the date of filing of the petition i.e. 07.07.2018 along with litigation expenses.

Counsel for the petitioner *inter alia* would argue that a marriage was solemnized between petitioner and respondent No.1 on 21.10.2007, however, respondent No.1 started wilfully residing separately from the petitioner and in fact has indulged in unethical relationship with other persons. It is further argued that the order of paying interim maintenance to respondent No.1 would not be sustainable in the light of the fact that respondent No.1 has indulged in an adulterous act. It is submitted that there is enough evidence available to substantiate this fact.

Notice of motion was issued and by order dated 07.04.2021, the maintenance awarded to respondent No.1 was stayed.

Counsel for the respondents would oppose the stay order by contending that it would be a matter of trial whether respondent No.1 is in adulterous relationship or not and therefore, prays for vacation of interim order dated 07.04.2021.

At this stage, this Court proposes to dispose of the main revision petition itself by giving a direction to the petitioner to clear the entire maintenance awarded at Rs.2000/- each per month to both the minor children. Let the amount of maintenance be deposited with the trial Court in two equal instalments within a period of two months from today. As regards the amount of maintenance of Rs.4,000/- per month that has been payable to respondent No.1, the same is kept in abeyance till the disposal of the application filed under Section 125 Cr.P.C. and the contention raised that respondent No.1 would not be entitled to the same on account of adulterous relationship she is in.

The order of keeping maintenance in abeyance payable to respondent No.1 is subject to the petitioner also filing his undertaking within a period of two weeks that he will clear all maintenance payable to respondent No.1, if the trial Court disregards his plea.

Before parting with this order, it is made clear that the maintenance deposited would be used for the welfare of the minor children.

The instant petition stands disposed of in the above terms. However, any observations made hereunder are purely for deciding the instant revision petition and ought not to be construed as an expression of opinion on merits on the case.

Other misc. applications pending are also disposed of.

September 20, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No