

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

**CRM-M No.51308 of 2018 (O&M)
Date of Decision:11.10.2021
(Heard through VC)**

Yogesh Kumar ...Petitioner

Vs

Kamini @ Shelly ..Respondent

**CRM-M No.4141 of 2019
Date of Decision:11.10.2021**

Kamini @ Shelly ...Petitioner

Vs

Yogesh Kumar ..Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jatinder Nagpal, Advocate
for the petitioner.

Mr. Rajesh Bansal, Advocate
for the respondent.

JAISHREE THAKUR J. (ORAL)

This Court proposes to dispose of these two petitions by this common order.

In brief, the facts are that a marriage was solemnized between the petitioner-Yogesh Kumar with respondent-Kamini in the year 2006. However, matrimonial differences arose between the parties. The respondent-wife filed a petition seeking maintenance, which was dismissed by Court below by an order dated 25.07.2016. The said order was challenged by respondent-wife before the Additional Sessions Judge, Panipat in Criminal

Revision No.16 of 2017 which was allowed and the petitioner-husband was directed to pay interim maintenance to the tune of ₹10,000/- per month from the date of application by an order dated 05.09.2018.

Aggrieved against the said order the petitioner-husband filed the instant petition stating that the wife is running a tailoring boutique and she is staying in the house owned by the petitioner himself. It is stated that Revisional Court has ignored this fact while allowing the interim maintenance.

Learned counsel appearing on behalf of respondent-wife in CRM-M-4141 of 2019 would contend that the order dated 05.09.2018 passed by the Additional Sessions Judge, Panipat in criminal revision petition No.16 of 2017 is erroneous as the petitioner-husband is earning a substantial amount and therefore, interim maintenance ought to be enhanced from ₹10,000/- per month to ₹30,000/- per month.

I have heard counsel for the parties. In CRM-M-51308 of 2018, this Court had directed the parties to furnish their affidavits in terms of judgment rendered in ***Rajnish Vs. Neha and another in Criminal Appeal No.730 of 2020 arising out of (2021) 2 SCC 324*** on 04.11.2020. This order was passed taking into account the contentions raised by both the parties that each of the party was earning a substantial amount.

At this stage, counsel for the respondent-wife submits that she has already filed her affidavit in terms of the aforesaid judgment before the trial Court, whereas counsel for the petitioner-husband states that he would file the said affidavit in the trial Court on the date fixed i.e. 12.10.2021. As the trial Court is already seized of this matter and proceedings are at the fag end, let both these affidavits be taken into consideration at the time of passing the final order of maintenance.

In view of the aforementioned facts and circumstances, impugned order is hereby set aside and the trial Court is hereby directed to expedite the trial and conclude the same by keeping in view the affidavits submitted in term of the judgement of the Apex Court, preferably within a period of three months.

Consequently, both the petition stands disposed of. However, the petitioner-husband in CRM-M No.51308 of 2018 would also clear interim maintenance of ₹3,000/- per month from the date of application, subject to an undertaking given by the respondent-wife that in case she is not entitled to any maintenance, she will refund the same.

(JAISHREE THAKUR)
JUDGE

October 11, 2021
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No