

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

CRM-M-29039-2020 (O&M)

Date of Decision: 23.02.2021

Kiran

...Petitioner

Versus

Ravi Sharma & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manoj Kaushik, Advocate, for the petitioner.

Mr. Baljeet Beniwal, Advocate, for the respondents.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 15.11.2019 passed by learned JMIC, Faridabad, whereby an application for grant of interim maintenance in terms of Section 23 of the Domestic Violence Act filed by the petitioner has been declined.
2. The relevant extract from the impugned order dated 15.11.2019 (Annexure P-3) reads as follows:

“4. Heard. First coming to the application regarding interim maintenance. Petitioner has sought maintenance to the tune of Rs.50,000/- per month alleging that respondent No.1 is earning Rs.1,80,000/- as monthly salary income as he is an army officer. In the reply respondent has stated that he is also paying Rs.15,000/- per month as per the order of his senior army officers for the last many months. This fact has not been denied by the applicant as no rejoinder to the said reply has been filed. Even during the course of

arguments, the fact of receiving maintenance of Rs.15,000/- from respondent No.1 has not been denied by her counsel or petitioner herself. It is admitted on record that petitioner is a highly qualified lady and is a doctor by profession and therefore, she is competent to earn in her own capacity. There are no issue in the present marriage and therefore it cannot be said that the petitioner is not in a position to maintain herself or to take the extra responsibilities. Therefore, in these circumstances, particularly when petitioner is already receiving monthly maintenance of Rs.15,000/- from respondent No.1 as per the orders of the army officers, the present application for interim maintenance is not maintainable and is dismissed accordingly.”

3. The learned counsel representing the respondent has informed that the respondent/husband is in fact paying interim maintenance at the rate of Rs.21,000/- per month pursuant to an order passed in proceedings under Section 125 Cr.P.C.
4. In view of the aforestated position, this Court does not find any necessity to issue or pass any further direction in the petition, as the purpose of granting maintenance already stands served pursuant to an order passed in proceedings under Section 125 Cr.P.C. for granting interim maintenance at the rate of Rs.21,000/- per month. The petition, as such, is disposed of with a direction to the respondent/husband to continue paying Rs.21,000/- per month to the petitioner during the pendency of the proceedings under Domestic Violence Act apart from paying the same during the pendency of proceedings under Section 125 Cr.P.C.

23.02.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No