

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

CWP No. 20260 of 2021
Date of decision: 05.10.2021

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Sushil Kumari

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Neeraj Sharma, Advocate,
for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks directions to the respondents to release the house rent allowance to the petitioner as the petitioner is residing separately from her husband in a rented accommodation. Counsel submits that the husband had been allotted government accommodation in Sector 11, Panchkula working in the Forest Department, Haryana and no HRA was being paid to the petitioner as per the salary slip dated 06.09.2021 (Annexure P-1). On account of matrimonial disputes, as such, the petitioner started staying separately in September, 2020 and even FIR No. 34 dated 15.03.2021 was lodged.

It is submitted that proceedings have also been initiated under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage and on this account, house rent allowance is being claimed on account of living separately. Counsel submits that legal notice dated 10.09.2021 (Annexure P-6) has already been served and he would be satisfied if the said legal notice is decided in a time bound manner.

Notice of motion.

Mr. Harish Kumar Nain, AAG, Haryana accepts notice on behalf of the respondents.

Keeping in view the limited controversy as such and since the decision making is still incomplete, no useful purpose will be served to call upon the respondents for filing reply, as it would cause inordinate delay in deciding the proceedings.

Accordingly, the present petition is disposed of with the directions to respondent no. 2 to take a decision on the legal notice dated 10.09.2021 (Annexure P-6) within a period of 6 weeks from the receipt of the certified copy of this order. In case of positive decision, the rent will become payable from the time the petitioner claims to have been living separately. In case there is any legal impediment and the relief is to be denied, speaking order be passed and communicated to the petitioner forthwith.

05.10.2021
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No