

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

CRM-M-3403-2021

Date of decision : 27.10.2022

Dinker Sehgal

.....Petitioner

versus

Latika Sehgal

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Jatinder Nagpal, Advocate for
Ms. Latika Sehgal, Advocate
for the respondent.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for adjustment of amount of Rs.6,500/- per month as interim maintenance awarded to the respondent on 01.02.2018 by learned Judicial Magistrate Ist Class, Patiala in the amount of Rs.10,000/- awarded by ASJ, Patiala while passing an order dated 06.03.2018 in a revision bearing No.CRR-393 of 2017.

Learned counsel for the petitioner submits that in the proceedings under Section 125 Cr.P.C., the maintenance awarded @ Rs.2,500/- per month by learned JMJC had been enhanced to Rs. 10,000/- per month. He further submits that learned Revisional Court vide order dated 06.03.2018 had specifically directed to adjust the amount of maintenance granted under any other provision of law. He has submitted that the petitioner was already directed by the learned Family Court to pay maintenance of Rs.6500/- per month under the Domestic Violence Act. He has further submitted that despite the order of the Revisional Court dated 06.03.2018, the prayer of the petitioner to adjust an amount of

Rs.6500/- in the amount of Rs.10,000/- per month awarded by ASJ, Patiala in the revision has not been considered and thus, the petitioner is being compelled to pay maintenance awarded to the respondent in two different Acts i.e. under Section 125 Cr.P.C. and under Domestic Violence Act without adjusting the same against the higher amount. He submits that the Hon'ble Supreme Court in **Rajnish Vs. Neha, (2021) 2 SCC 324** had specifically laid down that the aggrieved is entitled to file an application for the grant of maintenance in all the relevant statutes but the amount of maintenance is to be adjusted if awarded in more than one proceedings. He submits that learned Court below by not taking into consideration the mandate of the law and has fallen in error and thus, limited issue pertaining to adjustment of the amount be settled.

Learned counsel for the respondent has also fairly submitted that the Court concerned should take into consideration the prayer of the petitioner in view of the law settled by the Hon'ble Supreme Court.

After hearing counsel for the parties and perusing the record of the case, it is apparent that the petitioner has been directed to pay maintenance of Rs.10,000/- per month under Section 125 Cr.P.C. and Rs.6,500/- per month under the Domestic Violence Act. However, despite the order of the Revisional Court dated 06.03.2018, both the maintenance awarded have not been adjusted. Hence, this Court finds the same to be contrary to the law settled by the Hon'ble Supreme Court in **Rajnish's case (supra)**.

In view of the attending facts and circumstances of the case, the present petition is disposed of with direction to the competent Court to take into account the prayer of the petitioner for adjusting the

maintenance of Rs.6,500/- awarded under Domestic Violence Act as in accordance with law. The Court is directed that in case a detailed application with abovesaid prayer is filed by the petitioner, the same be decided expeditiously preferably within a month from the date of filing of the same.

Petition stands disposed of.

(RAJESH BHARDWAJ)
JUDGE

27.10.2022
m. sharma

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