

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

FAO No.717 of 2022
Date of decision: 28.02.2022

Manoj Kumar

...Appellant

Vs.

Sunita

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Manoj Makkar, Advocate,
for the appellant.

Ritu Bahri, J. (Oral)

The appellant has come up in appeal against the order dated 10.02.2022 passed by the Additional Principal Judge, Family Court, Rohtak, whereby on an application under Section 28-A of the Hindu Marriage Act, 1955 filed by respondent-wife, the appellant-husband has been directed to make payment of arrears of maintenance pendente lite till 02.03.2022.

Precise grievance of the appellant is that the amount of maintenance pendente lite to the tune of Rs.8000/- per month, which is required to be paid by him, should be adjusted with the amount he has already paid under the provisions of Domestic Violence Act and under Section 125 Cr.P.C.

Learned counsel for the appellant informs that proceedings under the Domestic Violence Act and application under Section 125 Cr.P.C. have already been dismissed.

On perusal of the impugned order, it is apparent that the

appellant has been given liberty to file an application seeking refund of the

excess amount already paid by him. Keeping in view that proceedings under the Domestic Violence Act and Section 125 Cr.P.C., have attained finality, the present appeal is disposed of by giving liberty to the appellant to appear before the Executing Court on 02.03.2022 and give details of the payment already made by him during proceedings under the Domestic Violence Act as well as Section 125 Cr.P.C., which shall be considered and adjusted by the said Court while disposing of the application under Section 28-A of the Hindu Marriage Act, 1955.

Copy of this order be given to learned counsel for the appellant *dasti* under the signatures of the Court Secretary/Reader of the Bench.

(RITU BAHRI)
JUDGE

(VIKAS SURI)
JUDGE

28.02.2022
ajp

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