

114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-163-2022 (O&M)
Date of Decision: 28.04.2022

RITU RAJ BHANDARI ... PETITIONER
VS.
RIMPY MARWAHA .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Deepak Arora, Advocate, for the petitioner.

VIVEK PURI, J.(ORAL)

CRM-12587-2022

This is an application for placing on record copy of order dated
31.07.2019.

For the reasons stated in the application, the same is allowed.
Copy of order dated 31.07.2019 is taken on record, subject to all just
exceptions.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRR(F)-163-2022

The petitioner has assailed the order dated 22.12.2021 passed
by the learned Family Court, Ludhiana, vide which, an application for
setting aside the *ex parte* order dated 07.07.2021 was allowed, subject to
payment of Rs.5,000/- as cost and also clearing the half amount of the total
maintenance awarded in favour of the respondent-wife.

The respondent-wife had instituted a petition under Section 125
Cr.P.C. for enforcement of her claim for maintenance. In terms of the order
dated 31.07.2019, the interim maintenance to the tune of Rs.6,000/- per
month was awarded. Subsequently, the petitioner was proceeded against *ex*
parte on 07.07.2021.

The petitioner had instituted an application for setting aside the *ex parte* order dated 07.07.2021 which has been allowed in terms of the impugned order dated 22.12.2021 subject to the condition that he shall deposit the cost of Rs.5,000/- and also clear half of the amount of maintenance.

Learned counsel for the petitioner contends that a sum of Rs.25,000/- has already been deposited which includes a sum of Rs.5,000/- as cost. Furthermore, 50% amount on account of arrears of interim maintenance comes out to be Rs.1,62,000/- and the balance amount due payable comes to Rs.1,42,000/-. The petitioner has suffered heart ailment and as such, he is in difficulty to pay the balance amount in lump-sum. However, learned counsel for the petitioner fairly concedes that the balance amount shall be paid in three bi-monthly installments.

In these circumstances, the impugned order dated 22.12.2021 is modified to the extent that the petitioner shall pay the balance 50% amount of interim maintenance in three bi-monthly installments. The first installment of Rs.50,000/- shall be payable in the month of May, 2022, the second installment of Rs.50,000/- shall be payable in the month of July, 2022 and the entire remaining outstanding balance amount i.e. half of the amount of interim maintenance till the date of passing of the impugned order as worked out by the trial Court shall be paid in September, 2022. However, this order will not preclude the trial Court to make efforts for satisfaction of the enforcement of claim of the respondent-wife for balance amount of interim maintenance, in accordance with law.

Petition is disposed of.

28.04.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No