

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CR-771 of 2021(O&M)
Date of decision:22.03.2022

Jai Parkash Singh

...Petitioner

Versus

Rajinder Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Shakti Mehta, Advocate, for respondent no.1 and 2.

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner herein is the husband of respondent no.1 and father of respondent no.2. He assails the correctness of the order passed by the learned District Judge, Bathinda, in an application under Section 24 and 26 of the Hindu Marriage Act, 1955, while directing him to pay maintenance @ Rs.15,000/- per month.

Admittedly, the petitioner is working in the Border Security Force and his carry home salary is Rs.44,000/- per month.

The learned counsel representing the petitioner contends that in the proceedings under Section 125 Cr.P.C., the petitioner has been directed to pay an amount of Rs.8,000/- per month which is required to be adjusted. He further contends that the petitioner is taking care of his aged mother and two unmarried brothers.

It is evident that the respondent, also, has the custody of

respondent no.2, who is residing with respondent no.1. It is also evident that the petitioner's carry home salary is Rs.44,000/-.

Keeping in view the aforesaid facts, the amount awarded by the District Judge, Bathinda, cannot be said to be excessive. However, it is well settled that in the absence of a specific order, the amount, awarded by two different courts under different provisions of the law, is required to be reconciled. It is also evident that the learned District Judge, Bathinda, while passing an order dated 27.10.2017, has not ordered that the amount of maintenance @ Rs.15,000/- per month shall be in addition to the amount awarded in the proceedings under Section 125 Cr.P.C.

Hence, it is ordered that the petitioner shall be entitled to adjust the amount already paid in the proceedings under Section 125 Cr.P.C, towards the maintenance payable under the impugned orders.

With these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

March 22, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No