

110

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-593-2022 (O&M)
Date of Decision: 16.08.2022

NISHANT SHARMA

... PETITIONER

V/S

REENA RANI ALIAS REENA SHARMA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Raj Shekhar, Advocate for the petitioner.
Mr. Sachin Jain, Advocate for the respondent.

* * * *

VIVEK PURI, J. (ORAL)

CRM-24075-2022

This is an application for condonation of delay of 11 days in filing the appeal.

For the reasons recorded, the application is allowed. Delay of 11 days in filing the appeal is condoned.

Main case

The petitioner has assailed the order dated 31.03.2022 passed by the Court of learned Principal Judge, Family Court, Panchkula vide which the application under section 127 of the Code of Criminal Procedure (for short 'the Code') has been directed to be heard along with the main petition.

The respondent has instituted a petition under section 125 of the Code for enforcement of her claim for maintenance. In the said proceedings, the interim maintenance was awarded in terms of the order dated 09.09.2021 and it was directed that the petitioner shall pay a sum of

Rs. 20,000/- per month to the respondent as interim maintenance from the date of application i.e. 16.12.2019 till 20.12.2020 and thereafter @ Rs. 35,000/- per month .

Learned counsel for the petitioner contends that the enhanced interim maintenance has been awarded as the petitioner was contemplating to go to Thailand on assignment from his employer and was to get the enhanced salary. After completion of one year of assignment in Thailand, he has returned back to India and his salary has been reduced. Consequently, he has moved an application under section 127 of the Code for alteration of the amount of interim maintenance.

In terms of the impugned order, the learned Court below has directed that the said application shall be decided along with the main petition. As the petitioner is seeking the alteration in the interim maintenance by invoking the provision of Section 127 of the Code and furthermore if the same is disposed of along with the main petition, the very purpose of filing such a petition shall be frustrated. Moreover, the impugned order also indicates that the reply to the application under Section 127 of the code has been submitted by the respondent.

Learned counsel for the respondent has joined the proceedings and has very fairly submitted that he has no objection if the limited prayer for disposal of application under Section 127 of the Code at an early stage is allowed.

In these set of circumstances, the petition is disposed of with a direction to the learned Family Court seized of the matter to take a call and dispose of the application under Section 127 of the Code instituted by the petitioner in accordance with law at an early date and not to tag its disposal

with the main petition.

However, any observation made hereinabove is not to be construed as an expression on the merits of the application under Section 127 of the Code and the same be adjudicated on the basis of the material on record.

Disposed of.

16.08.2022

Janki

(VIVEK PURI)
JUDGE

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