

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

(Sr. No. 115)

CRR(F) No.540 of 2019

Date of decision : 28.03.2022

Pardeep Kumar

.....Petitioner

Versus

Sharmila Devi

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Aditya K. Yadav, Advocate for the petitioner.
 Mr. Satbir Singh Gill, Advocate for the respondent.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed by the petitioner-husband to challenge therein order dated 11.01.2019 passed by the Principal Judge, Family Court, Sirsa through which an application filed by the respondent-wife under Section 125 Cr.P.C. has been allowed resulting in issuance of directions to the petitioner to pay to her monthly maintenance of Rs.5000/-.

Since there was delay in filing of the present petition, subject to deposit of Rs.25,000/- by the petitioner to be paid to the respondent towards litigation expenses, this Court issued notice in the application seeking condonation of delay.

Learned counsel for the petitioner submits that during the pendency of the present petition the petitioner has died and therefore, the present petition has been rendered infructuous. However, in the afore

circumstances the deposited amount of Rs.25,000/- be equally divided between the children of the parties and the respondent.

The petitioner has died during pendency of the present petition. The two minor children of the parties are in custody of the petitioner's mother. Therefore, this Court is of the opinion that the ends of justice would be served if 50% of the deposited amount of Rs.25,000/- be released in favour of both the children of the parties in the form of a demand draft favouring the mother of the petitioner namely Smt. Bhagwanti wife of Sultan - Aadhar No.555684606936 and the remaining 50% be released in the form of a demand draft favouring the respondent-wife.

Disposed of in the above terms.

28.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No