

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

CRR(F)-1113-2022

Date of decision : 16.11.2022

Suresh Kumar

.....Petitioner

versus

Smt. Manisha Rani and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 17.10.2022 passed by learned Additional Principal Judge, Family Court, Ferozepur wherein learned Family Court has denied the cross-examination of the witnesses by the petitioner for the reason that he had not cleared the interim maintenance granted to the respondent-wife.

Learned counsel for the petitioner has fairly submitted that as on date, total interim maintenance granted to the wife and the minor was Rs.6,000/- per month and the petitioner had an income of Rs.9,000/- per month. He has submitted that learned Family Court has failed to take into consideration the income of the petitioner and thus, has illegally restrained him from cross-examining the witnesses of the respondent-wife. He submits that out of total arrears of about Rs.2,12,000/-, he would pay Rs.50,000/- and rest of the arrears, he would clear within next three months.

After hearing counsel for the petitioner and perusing the record, this Court finds that due to failure of the petitioner to deposit interim maintenance, learned Family Court restrained him from cross-

examining the witnesses. As submitted by learned counsel for the petitioner, the petitioner is ready to pay Rs.50,000/- as first installment and the remaining arrears, he would clear within next three months. In view of this, the impugned order dated 17.10.2022 is *set aside*. Learned Family Court is directed to grant effective opportunities to the petitioner to join the proceedings and cross-examine the witnesses on payment of Rs.50,000/- as first installment. Learned Family Court would further ensure that the petitioner clears the arrears as submitted before this Court within next three months.

Disposed of accordingly.

(**RAJESH BHARDWAJ**)
JUDGE

16.11.2022
m. sharma

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