

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

Sr. No.125

CRM-M-1593-2023

Date of Decision: 12.01.2023

Ramneek Sikka @ Ramneek Bala and another

.... Petitioners

Versus

Manoj Kumar Sikka

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Yogesh Goel, Advocate,
Mr. Lakshay Goel, Advocate and
Mr. Simrandeep Singh, Advocate
for the petitioners.

TRIBHUVAN DAHIYA, J. (ORAL)

Learned counsel for the petitioners contends that the petitioners' application under Section 125 Cr.P.C. for grant of maintenance was finally decided by JMIC, Ludhiana on 21.11.2015 (Annexure P-1). They approached this Court by filing CRR No.188 of 2016 on 29.02.2016, seeking enhancement of the maintenance amount. It was thereafter, that the respondent/husband filed an application, dated 04/08.08.2016 (Annexure P-4) before the JMIC, for modification of the order of maintenance dated 21.11.2015. Reply to the application was filed by the petitioner on 22.10.2019 (Annexure P-5) and on the same date, issues were framed. Thereafter, the petitioner filed another application dated 31.10.2022 (Annexure P-9) seeking dismissal of the application filed by the respondent/husband under Section 127 Cr.P.C., which still remains pending before the Family Court, Ludhiana.

By referring to an order dated 07.11.2022 (Annexure P-11), learned counsel for the petitioners states that without deciding the said applications, the Family Court has reopened the matter and has directed both the petitioner (respondent herein) and respondent No.1 (petitioner No.1 herein) to file their affidavits regarding assets and liabilities, which could not have been done since the issue of granting maintenance stands finally settled by the order dated 21.11.2015 passed by JMIC, Ludhiana, against which revision petition is pending before the Sessions Court, and the respondent/husband has not challenged the same.

At this stage, without commenting upon the merits of the case, the Family Court, Ludhiana is directed to consider and decide the application dated 31.10.2022 filed by the petitioner/wife seeking dismissal of the application filed by the respondent/husband under Section 127 Cr.P.C., prior to proceeding further in the matter.

Petition stands disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

12.01.2023
Maninder

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