

In the High Court of Punjab and Haryana at Chandigarh
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2023:PHHC:044857

CRM-M-7916 of 2023

Date of Decision: 27.03.2023

Siddharth Chatterjit

---Petitioner

versus

Nandita Banerjee

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sumeet Goel, Senior Advocate with
Mr. Rohan Mittal, Advocate
Mr. Paramvir Singh Parmar and
Mr. Shivam Kaushik, Advocate
for the petitioner

Ms. Latika Chaudhary, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (ORAL)

On 15.2.2023, following order was passed by this Court:-

*“The petitioner through instant petition under
Section 482 Cr.P.C. is seeking setting aside of
order dated 13.12.2022 passed by learned
Additional Principal Judge, Family Court,
Gurugram.*

*Mr. Sumeet Goel, learned Senior
Advocate inter-alia submits that the trial Court
without adjudicating application seeking interim
maintenance has awarded maintenance of Rs.2*

lakhs per month which is not permissible by law.

The trial Court is empowered to decide question of interim maintenance and final maintenance but the Court has no power to decide ad-interim maintenance.

Notice of motion returnable for 20.03.2023.

Process dasti as well.

The petitioner is at liberty to serve the respondent through counsel appearing before the trial Court.

Meantime, operation of the impugned order shall remain stayed, however, the trial Court is free to decide the application of the respondent seeking interim maintenance.:

Ms. Latika Chaudhary, Advocate, filed Vakalatnama on behalf of the respondent. The same is taken on record. Registry is directed to tag the same at an appropriate place.

Learned counsel for the respondent submits that petitioner is intentionally delaying the matter. There is another petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 and in the said petition also, he is intentionally dragging the matter. He is not complying with directions of the Court, resultantly, the court was compelled to pass order granting ad interim maintenance.

On being confronted with the aforesaid facts, learned Senior counsel for the petitioner submits that next date fixed before the Family

court is 01.05.2023 and he undertakes that petitioner shall remain present before the Court on the said date and in no case would seek adjournment and address the arguments.

In view of statement of learned senior counsel for the petitioner and learned counsel for the respondent, the impugned order dated 13.12.2022 is set aside and petition is disposed of with a request to the Family Court to determine interim maintenance expeditiously which in view of judgment of *Rajnesh vs. Neha and another (2021) 2 SCC 324* would be payable from the date of filing petition. In case the petitioner seeks adjournment on one or another ground, the Family Court would be free to pass ex parte order granting interim maintenance.

(JAGMOHAN BANSAL)
JUDGE

27.03.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No