

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:044901

CRR(F)-289 of 2023(O&M)

Date of Decision: 27.03.2023

Sagar

---Petitioner

versus

Purnima

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rao Ajender Singla, Advocate
for the petitioner

Mr. Arvind Kumar Yadav, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (ORAL)

On 24.2.2023, following order was passed by this Court:-

“The petitioner, through the instant petition is seeking setting aside of order dated 07.02.2023 whereby Principal Judge Family Court, Rewari has awarded ad interim maintenance of Rs. 7,000/- per month to the respondent.

Learned counsel for the petitioner inter alia contends that Family Court without deciding application seeking interim maintenance has awarded ad interim maintenance whereas the Court has power to grant final maintenance as

well interim maintenance, however, there is no power to grant ad interim maintenance.

Notice of motion for 20.3.2023.

Process dasti as well. The petitioner is at liberty to serve the respondent through counsel representing the respondent before Family Court.

In the meantime, operation of the impugned order shall remain stayed. However, the Family Court is at liberty to adjudicate application seeking interim maintenance.”

Learned counsel for the respondent submits that petitioner is intentionally delaying 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 counsel for the petitioner submits that next date fixed before the Family court is 09.04.2023 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 counsel for the petitioner and learned counsel for the respondent, the impugned order dated 07.02.2023 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 ***Rajnish 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

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another ground, the Family Court would be free to pass ex parte order granting interim maintenance.

**(JAGMOHAN BANSAL)
JUDGE**

27.03.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No