

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

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CRM-M-11061-2023

Date of Decision : 02.03.2023

Davinder Singh

..... Petitioner

Versus

Angrej Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. P.K.Singla, Advocate for
Mr.Tarun Singla, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking quashing of application filed under Section 125 Cr.P.C. by mother of the petitioner seeking maintenance of Rs.10,000/- per month and summoning order dated 09.07.2021 whereby Principal Judge, Family Court, Bathinda Camp at Phul has summoned the petitioner.

Learned counsel for the petitioner *inter alia* contends that mother of the petitioner in terms of provisions of Maintenance and Welfare of Parents and Senior Citizenship Act, 2007 preferred a petition before SDM, Rampura Phul seeking maintenance of Rs.10,000/- per month. The SDM, Rampura Phul directed the petitioner to transfer 40 kanal land in favour of the respondent and further directed to pay maintenance of Rs.10,000/- per month as well as provide accommodation. The petitioner preferred an appeal before the District Magistrate, Bathinda who disposed of the appeal with a direction that the petitioner shall pay a sum of Rs.10,000/- per month as maintenance as well as provide separate accommodation to his mother. The petitioner has provided accommodation

to his mother and he is further paying Rs.10,000/- per month. Inspite of regular payment of Rs.10,000/- per month and providing accommodation, the mother of the petitioner has filed a petition under Sections 18 and 20 of the Hindu Adoption and Maintenance Act as well as impugned petition under Section 125 Cr.P.C. seeking maintenance of Rs.10,000/- per month. The petitioner is a duty bound to maintain his mother and she is asking maintenance of Rs.10,000/- per month. The mother is asking for maintenance under Section 125 Cr.P.C. as well as under Sections 18 and 20 of the Hindu Adoption and Maintenance Act. She cannot claim same amount of maintenance under different enactments.

I have heard the arguments of learned counsel for the petitioner and perused the record.

From the perusal of the complaint as well as summoning order, it is quite evident that the trial Court has summoned the petitioner to reply and put forth his stand. The Family Court has not passed any adverse order against the petitioner. This Court is sanguine of the fact that the Family Court before passing any order under Section 125 Cr.P.C. would consider the order passed under Maintenance and Welfare of Parents and Senior Citizenship Act, 2007 whereby respondent has been granted maintenance of Rs.10,000/- per month.

No further order is warranted.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

02.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>