

In the High Court of Punjab and Haryana at Chandigarh

112

2023 : PHHC : 074824

CRR(F)- 332 of 2023(O&M)

Date of Decision: 24.05.2023

Rajinder Kumar alias Sonu

---Petitioner

versus

Simran

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anshul Sharma, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

1. On 09.03.2023, following order was passed by this
Court:-

“The petitioner, through the instant petition is seeking setting aside of order dated 06.01.2023 whereby Principal Judge Family Court, Kaithal has allowed interim maintenance of Rs. 15,000/- per month to the respondent-wife.

Learned counsel for the petitioner inter alia contends that respondent in her application had claimed maintenance of Rs. 10,000/- per month whereas Family Court has granted maintenance of Rs. 15,000/- per month

which shows that Family Court has determined amount without appreciating actual facts and figures. On account of non-payment of loan, Bank of India, Kaithal in terms of Section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Act, 2002, has initiated proceeding against the petitioner. The petitioner on account of Covid -19 lost his business and at present is not working as a flower decorator whereas petitioner is working as a driver. The petitioner has to maintain his daughter and two children of his deceased brother.

Notice of motion for 20.04.2023.

Process dasti as well.

In the meantime, the operation of impugned order shall remain stayed beyond Rs. 10,000/- with respect to maintenance from the date of order. The petitioner shall clear arrears i.e. maintenance from the date of application to the date of decision @ Rs. 5,000/- per month within one month from today.

It is made clear that Family Court is free to adjudicate determination of final maintenance. The pendency of present petition before this Court is no bar to determine final maintenance.

*To be shown in the **Urgent List.***

2. Learned counsel for the petitioner fairly concedes that petitioner has failed to comply with aforesaid order on account of dilapidated financial condition.

3. As the petitioner has not complied with order dated 09.03.2023 passed by this Court by which order passed by Family Court was partially stayed and there is no application seeking time or amendment of aforesaid order, this Court does not find any reason to keep the matter pending.

4. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

24.05.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No