

In the High Court of Punjab and Haryana at Chandigarh

2023 : PHHC : 061161

108

CRR(F)-395 of 2023

Date of Decision: 29.04.2023

Rajeev Kumar

---Petitioner

versus

Veena Rani and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Simarnjeet Singh, Advocate
for the petitioner
Mr. Onkar Rai, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

On 17.03.2023, following order was passed by this

Court:-

“ The petitioner through instant petition is seeking quashing of order dated 23.01.2023 whereby Principal Judge, Family Court, Camp at Sri Anandpur Sahib, in terms of Section 125 of Cr.P.C. has granted interim maintenance of Rs.15,000/- per month to respondent No.1 and Rs.5,000/- to respondent No.2.

Learned counsel for the petitioner inter alia contends that the Family Court has directed the petitioner to pay interim maintenance of Rs.20,000/- to respondents i.e. RS.15,000/- to

2023 : PHHC : 061161

CRR(F)-395 of 2023

-2-

wife and Rs.5,000/- to son. The Family court has failed to consider that vide order dated 21.09.2021, the petitioner has been directed to pay maintenance of Rs.18,000/- per month under Section 24 of Hindu Marriage Act. The petitioner can be asked to pay maintenance, however, maintenance awarded under one Act needs to be adjusted against maintenance awarded under another enactment. The Family Court has not adjusted maintenance of Rs.18,000/- which has been awarded to respondent-wife under Section 24 of Hindu Marriage Act.

Notice of motion returnable for 29.04.2023.

Process dasti.

Meantime, operation of impugned order qua maintenance of Rs.15,000/- to wife shall remain stayed. It is made clear that the petitioner shall continue to pay maintenance of Rs.5,000/- per month to his son.

The amount of maintenance awarded vide impugned order is interim maintenance and the Family Court is seized of the matter. The Court is at liberty to proceed to determine final maintenance without being CRR(F)-395-2023 -2-

2023 : PHHC : 061161

CRR(F)-395 of 2023

-3-

*influenced by pendency of the present petition
before this Court.*

To be shown in the urgent list.”

Mr. Onkar Rai, Advocate, filed Power of Attorney on behalf of the respondents. The same is taken on record. Registry is directed to tag the same at an appropriate place. Learned counsel for the respondents fairly concedes that respondent No. 1 is getting maintenance of Rs. 18,000/- per month under Section 24 of Hindu Marriage Act and it is settled proposition of law that maintenance can be awarded under different enactments, however, maintenance awarded under one enactment needs to be considered/adjusted while granting maintenance under another enactment. In view of statement of learned counsel for the respondents, the present petition is disposed of with a direction that petitioner shall continue to pay a sum of Rs. 5000/- per month to his son and Rs. 18,000/- per month as awarded under Section 24 of Hindu Marriage Act to wife.

Disposed of.

**(JAGMOHAN BANSAL)
JUDGE**

29.4.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No