

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

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CRM-M No.19018 of 2023 (O & M)

Date of Decision : 19.4.2023

*Rajeev Kumar Chaudhary**..... Petitioner**versus**Seema Sharma**..... Respondent***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Lupil Gupta, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed challenging the order dated 18.3.2023 (Annexure P-3) passed by the Family Court, whereby the petitioner/husband has been directed to clear at least fifty per cent of the amount of arrears due as on date, on or before the next date of hearing, i.e., 29.4.2023.

2. It is apparent on record that vide order dated 6.10.2022, interim maintenance of Rs.35,000/- per month, from the date of filing of the petition, was granted to the respondent/wife by the Family Court. The said order has been challenged by filing a revision petition before the Sessions Court, wherein during pendency of the petition, impugned order dated 18.3.2023 has been passed, directing the petitioner/husband to pay at least fifty per cent of the arrears due on or before 29.4.2023.

3. Learned counsel for the petitioner contends, since the petitioner is not in a position to pay entire amount of arrears, the impugned order should be set aside. During pendency of the revision petition before the Sessions Court, jurisdiction of this Court under Section 482 Cr.P.C has been invoked by filing

the instant petition challenging the interim order granting relaxation from

paying fifty per cent of the arrears due. Bald statement by the learned counsel expressing the petitioner’s inability to pay is no ground to interfere with the impugned order, which is well reasoned and based on relevant considerations. Relaxation has already been granted by the Revisional Court. No further relaxation is justifiable in the facts and circumstances of the case, nor is the instant petition against the interim order maintainable.

5. At this stage, learned counsel contends that the petitioner is willing to settle the matter with the respondent and the case may be referred to mediation. The fact remains that he has not paid any maintenance to the respondent/wife after institution of the application under Section 23 of the Protection of Women from Domestic Violence Act, 2005. Therefore, this Court is not inclined to explore the possibility. The petitioner is at liberty to make a prayer for sending the matter to mediation before the Family Court at Gurugram, where the respondent also resides.

7. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

19.4.2023
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No