

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 31517/2023

Date of decision: 03.07.2023.

Mehak Sharma

.....Petitioner

Vs.

Akhil Kochhar

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sahil Thakur, Advocate for
 Mr. Manuj Nagrath, Advocate for the petitioner.

Nidhi Gupta, J.

Prayer in this petition u/s 482 Cr.PC is for issuance of direction to ld. JMIC, Ludhiana to dispose of the petition dated 21.12.2021(Annexure P-3) filed by the petitioner-wife u/s 125 Cr.PC for grant of interim maintenance, expeditiously within ten days.

It is submitted by learned counsel for the petitioner, that the petitioner had filed petition u/s 125 Cr.PC on 21.12.2021 along with which petitioner had also filed an application for grant of interim maintenance. However, till date nothing has been granted by way of interim maintenance. It is submitted that respondent is a man of means and resources and has an income of Rs.10 lacs per month and therefore, a sum of Rs.3 lac per month be granted to the petitioner as interim maintenance as also Rs.55,000/- as litigation expenses. It is submitted that though the application was filed almost 1-1/2 years ago, no order of interim maintenance has been passed by the Family Court till date as a result of which great hardship is being caused

to the petitioner. It is accordingly prayed that a direction be issued to the court concerned to dispose of the said application within ten days from today.

Heard Id. Counsel and perused the material on record.

Perusal of the zimni orders attached with the present petition as Annexure P-7 reveal that the present petition under Section 125 Cr.PC (Annexure P-1), along with application for grant of interim maintenance (Annexure P-3), were filed/ registered on 21.12.2021 and notice was issued to the respondent for 17.1.2022. Thereafter, due to outbreak of Novel Corona virus matter was adjourned; and subsequently reply was filed by the respondent on 8.8.2022, whereupon parties were directed to file their affidavits of income and expenditure. Perusal of the order dated 1.10.2022 reveals that income affidavit was duly filed by the respondent however, the same was not filed by the petitioner-wife. Accordingly, matter was adjourned 10.11.2022 on request of the petitioner to enable her to file affidavit as also to come up for AWs and for consideration of interim application. Perusal of the zimni order dated 10.11.2022 reveals that adjournment was yet again sought by the petitioner for filing income affidavit and the matter was again adjourned to 15.12.2022; on which date again the position remained the same and the matter was adjourned to 24.1.2023. On 24.1.2023 petitioner filed income affidavit.

A perusal of the zimni orders discussed hereinabove reveals that the petitioner herself did not bother to file the requisite income affidavit for five months and has now filed the present petition seeking a direction to the Family Court to decide her petition under Section 125 Cr.PC within ten

days. In this view of the matter, I find no ground is made out to issue directions, as prayed for.

Dismissed.

03.07.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No