

2023:PHHC:102387

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

CRR(F)-518-2021

Date of Decision: 08.08.2023

NAINA KASHYAP

... PETITIONER

VS.

SHIV KUMAR

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sanjeev Kumar Birla, Advocate
for the petitioner.

Mr. Ritvik Garg, Advocate for
Mr. Udit Garg, Advocate, for the respondent.

VIVEK PURI, J.(ORAL)

1. The petitioner has assailed the order dated 02.09.2021 passed by the learned Family Court vide which interim maintenance has been declined to her.

2. Learned counsel for the respondent submits that the petitioner has concluded the evidence and the matter in the trial Court is fixed for evidence of the respondent. Even the examination-in-chief of the respondent has been recorded and the case is pending for his cross-examination.

3. Faced with this situation, learned counsel for the petitioner submits that he seeks to withdraw the petition but has restricted his prayer only to the extent that the observation made in the impugned order may not stand in the way of the petitioner at the time of final disposal of the petition and the learned Family Court be directed to consider the aspect of awarding maintenance to the petitioner from the date of application under Section 125

Cr.P.C.

4. Dismissed as withdrawn. However, it is made clear that the observations made in the impugned order will not have any effect on merits of the case at the time of final disposal of the application under Section 125 Cr.P.C. as the same is to be adjudicated on the basis of evidence adduced by both the parties. Furthermore, the claim of the petitioner for maintenance from the date of application or from the date of order may also be considered as per law and facts and circumstances of the case.

08.08.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No