

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 111

Criminal Revision No.2560 of 2022

Date of Decision: March 01, 2023

Sumedha Mangla

..... PETITIONER(S)

VERSUS

Kislay Garg

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Viren Sibal, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This revision petition has been filed impugning the order passed by the Judicial Magistrate 1st Class, Faridabad, dated 11.05.2022 (Annexure P-3), and also the order in appeal passed by the Additional District Judge, Faridabad, dated 17.09.2022, whereby the petitioner's application for directing the respondent to file his income affidavit as per guidelines of the Supreme Court in Criminal Appeal No.730 of 2020 arising out of SLP (Crl.) No.9503 of 2018, titled *Rajnesh V. Neha & another*, has been dismissed.

It is apparent on record that vide order dated 03.03.2021 (Annexure P-1), both the parties were directed to furnish their income affidavits as per judgment of the Supreme Court passed in *Rajnesh case (supra)*. The affidavits were furnished by the parties in compliance of the order. The objection taken by the petitioner-wife is that the affidavit filed by the respondent-husband is not in full compliance of the judgment, and has

concealed his true income from the Court in order to defeat petitioner-wife’s right to receive proper maintenance. The application has been decided by the Magistrate, vide order dated 11.05.2022, by observing that the petitioner’s objection to income affidavit of the respondent-husband shall be considered at the time of deciding the application for interim maintenance. The appellate Court has also observed on similar lines while dismissing the appeal against the impugned order.

There is no illegality or irregularity in the orders passed by the Courts below. The petitioner’s objections to the affidavit have already been ordered to be considered at appropriate stage. Besides, the impugned order passed by the Magistrate is interlocutory in nature, and revision petition against it is not maintainable.

Dismissed.

(Tribhuvan Dahiya)
Judge

March 01, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No