

Neutral Citation No.2023:PHHC:163522

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

**110 Criminal Revision (F) No.1797 of 2023 (O&M)
Date of decision: 19.12.2023**

Sandeep Singh

... Petitioner

Vs.

Smt. Baby Choudhary

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Urvashi Singh, Advocate,
for the petitioner.

MANISHA BATRA, J.

CRM-53504-2023

This is an application for condonation of delay of 66 days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 66 days in filing the revision petition is condoned.

Main Case

1. The instant petition has been filed by the petitioner under Section 397 read with Section 401 of the Code of Criminal Procedure thereby challenging the order dated 12.07.2023 as passed by learned Principal Judge, Family Court, Faridabad in Maintenance Petition No.MNT 125/1/2020 titled as *Baby Choudhary v. Sandeep Singh*, whereby the petitioner was directed to pay an amount of Rs.3000/- per

Neutral Citation No.2023:PHHC:163522

month to the respondent-wife as interim maintenance from the date of application till decision of application for grant of interim maintenance allowance as an interim arrangement for the respondent-wife.

2. Brief facts relevant for the purpose of disposal of this petition are that the respondent-wife has filed the aforementioned petition against the present petitioner on the ground that he has deserted her and has neglected and refused to maintain her. As culled out from the record, the application filed by the respondent-wife for grant of interim maintenance is pending so far and by way of interim arrangement, the learned Family Court has given direction to the present petitioner to pay the aforementioned amount.

3. Learned counsel for the petitioner has argued that the impugned order dated 12.07.2023 is not sustainable in the eyes of law as while directing the petitioner to pay the aforementioned amount, the learned Family Court has ignored the fact that it is the respondent-wife who is guilty of causing disturbance in her matrimonial house and of leaving and deserting the petitioner. She has left her matrimonial house at her own after taking away the entire jewellery and money kept in the locker of the house. During her stay with the petitioner, she had been extracting money from her for the purpose of giving the same to her family members. The petitioner is earning a sum of Rs.22,595/- only and his monthly expenses are to the tune of Rs.19,100/-. He is under financial constraints and is not in a position to pay the aforementioned amount. Hence, it is argued that the impugned order is liable to be quashed.

Neutral Citation No.2023:PHHC:163522

4. On giving due deliberations to the contentions raised by learned counsel for the petitioner, I am of the considered opinion that neither the petition is maintainable nor any ground has made out to interfere with the impugned order as passed by learned Family Court. A bare perusal of this order reveals that it was only by way of interim arrangement that the learned trial Court has given direction to the present petitioner to pay an amount of Rs.3000/- per month to the respondent who is his legally wedded wife as interim maintenance and that too till the decision of the abovesaid application which appears to be pending for the last more than three years. The maintenance petition as filed by the respondent is pertaining to the year 2020 and application for grant of interim maintenance has not been disposed of so far. This order can be stated to be an interlocutory order and hence is not revisable. Even otherwise, by way of this order, the learned Family Court had given direction to him to pay amount of Rs.3000/- only by way of temporary arrangement. The said amount cannot be stated to be excessive rather the same is quite moderate. As such, finding no reason to allow the petition, the same is dismissed.

19.12.2023

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(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No