



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR(F)-1320-2023 (O&M)

Date of Decision: 15.10.2024

Vikas Kumar @ Vikas Kakkar

.... Petitioner

Versus

Mukti and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Karan Diwan, Advocate for
Mr. Surinder Singh, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

Challenge in the present petition is to the order dated 02.01.2023 passed by learned Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri whereby in a petition under Section 125 Cr.P.C. filed by the respondents, the petitioner has been directed to pay **final maintenance** of Rs.10,000/- p.m. to the respondent No.2-minor daughter only.

Learned counsel for the petitioner has *inter alia* contended that the petitioner is earning only Rs.1,08,000/- per annum and as such, he is not in a financial position to pay maintenance to respondent No.2. Learned counsel for the petitioner has further referred to observations made in para 20 of the impugned judgment to contend that respondent No.1/wife is also earning approximately Rs.18,010/- p.m. It is accordingly contended that as such the petitioner is no liable to pay

maintenance to respondent No.2.

Learned counsel for the petitioner has drawn to the findings recorded in para 28 of the impugned judgment wherein it has been found that on the basis of the evidence led by the respondent that the petitioner ***“is filing his Income Tax as Hindu Undivided Family. The total sale is shown to be Rs.63876435/-.”***

Learned counsel for the petitioner does not deny the same and submits that it is only in respect of HUF income tax return and not as of the petitioner individually.

After having heard learned counsel for the petitioner for considerable length, when this Court is not inclined to interfere in the matter, learned counsel for the petitioner prays that he may be permitted to withdraw present petition.

Permitted to do so.

Dismissed as withdrawn.

Pending application, if any, stands disposed of.

15.10.2024

Divyanshi

Whether speaking/reasoned

Whether Reportable

(NIDHI GUPTA)

JUDGE

Yes/No

Yes/No