



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

CRR(F)-341-2023

Date of decision: 06.09.2024

BABLI AND ANOTHER

...PETITIONERS

V/S

PUSHPENDER

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gulshan Nandwani, Advocate for the petitioners.

Mr. Rakesh Gupta, Advocate for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed seeking modification of order dated 02.02.2023 passed by learned Principal Judge, Family Court, Rewari, whereby, the respondent has been directed to pay an amount of Rs.6,000/- per month for maintenance to each petitioner from the date of aforesaid order.

2. Brief facts of the case are that the marriage of petitioner No.1 and the respondent was solemnized on 04.12.2006 in accordance with Hindu rites and ceremonies. Out of this wedlock, one male child (petitioner No.2 herein) was born. However, matrimonial dispute ensued between the couple and the petitioners filed a petition under Section 125 Cr.P.C. seeking maintenance. The respondent filed a reply and contested the claim made by the petitioners. The learned Family Court, Rewari vide order dated 02.02.2023 granted maintenance allowance of Rs.6,000/- per month each in favour of the petitioners from the date of passing of order. Aggrieved by the same, the petitioners have approached this Court by filing the present petition.



3. Learned counsel for the petitioners *inter alia* contends that the grievance raised in the present petition by the petitioners is that learned Family Court has committed an error in granting the maintenance from the date of passing of order instead of from the date of filing of the petition. The Hon'ble Apex Court has examined the issue of granting maintenance in *extenso* and issued detailed guidelines in this regard. In view of the ratio of law laid down in '***Rajnish v. Neha and another***' (2021) 2 SCC 324, the Apex Court has categorically held that maintenance in all cases will be awarded from the date of filing the application for maintenance.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, the present petition is taken up for final disposal.

5. While dealing with the issue of maintenance *in extenso*, a two Judge bench of the Hon'ble Supreme Court in ***Rajnish v. Neha and another*** (*supra*), laid down the criteria for determining quantum of maintenance and issued the following directions:

"VI Final Directions

xxx....xxx....xxx

(d) Date from which maintenance is to be awarded

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above."

6. In view of the discussion above, the impugned order dated 02.02.2023 is hereby set aside and the matter is remanded back to learned Principal Judge, Family Court, Rewari. The learned Court below is directed to pass a fresh order on the application for maintenance filed by the petitioners



strictly in accordance with law laid down by the Hon’ble Supreme Court in ***Rajnesh v. Neha and another*** (*supra*). Learned Family Court is also directed to decide the petition seeking maintenance expeditiously as the said petition under Section 125 Cr.P.C. was initially instituted in the year 2019.

7. Needless to say that till the matter afresh is decided by learned Family Court below, the respondent would be liable to pay the maintenance to the petitioners in terms of impugned order, as an interim measure.
8. The present petition stands disposed of accordingly.

September 06, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No