

Neutral Citation No. 2024:PHHC:034681

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-12400-2024 (O&M)
Date of decision : 11.03.2024

Anjali Thukral ...Petitioner

Versus

Nitin Thukral ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Chopra, Advocate
for the petitioner.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed by the petitioner under Section 482 of Code of Criminal Procedure seeking issuance of direction to the Additional Principal Judge, Family Court, Gurugram to decide the application for interim maintenance filed in case No. MNT/310/2022, under Section 125 Cr.P.C., titled as *Anjali Thukral vs. Nitin Thukral*.
2. Learned counsel for the petitioner has submitted that the marriage of the petitioner was solemnized with the respondent on 24.09.1998. Huge amount of money was spent by the father of the petitioner on the marriage, besides giving several dowry articles including gold jewellerys etc. Two male children were born out of the wedlock. However, due to some matrimonial discord, the petitioner was thrown out of her matrimonial home by the respondent. Initially, the children were also living with the petitioner, who was residing at her parental home but since their schooling was getting affected, they were allowed to join the company of the respondent. The petitioner had filed a petition under Section 125 Cr.P.C.

Neutral Citation No. 2024:PHHC:034681

seeking grant of maintenance on 05.08.2022. However, despite the fact that the said petition is pending since long, the Family Court has not even decided the application seeking grant of interim maintenance. It is, therefore, prayed that an appropriate direction may be given to the Family Court concerned to decide the interim maintenance application expeditiously.

3. I have heard learned counsel for the petitioner at considerable length and have also gone through the material placed on record.

4. The petitioner, who is residing separately from her husband since August, 2021, had filed aforesaid maintenance petition under Section 125 Cr.P.C. A perusal of the zimini orders, which have been placed on record, shows that the aforesaid maintenance petition was filed on 05.08.2022 and despite adjourning the case on several occasions, even the application seeking interim maintenance has not yet been decided. Although at one point of time, the matter was referred to mediation for exploring the possibility of some amicable settlement between the parties, which in fact failed, however, still it can be stated the matter is pending since long and the Family Court has shown very casual approach towards disposal of the same. The case is now fixed for 30.04.2024 before the Court concerned. The ambit and scope of the provision contained in Section 125 Cr.P.C. is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 Cr.P.C. provide a speedy remedy to those women, children and destitute parents who are in distress to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 Cr.P.C. clearly is that the wife, child and parents should not be left in a

Neutral Citation No. 2024:PHHC:034681

helpless state of distress, destitution and starvation. Therefore, it is expected of the Courts concerned to dispose of such matters expeditiously, which is apparently has not been done in the case in hand.

5. In view of the above, the present petition is disposed of with a direction to the Family Court concerned to hear the argument on the application seeking interim maintenance on the next date fixed before it i.e. 30.04.2024 and decide the same within a period of one week thereafter. The Family Court concerned, after making due compliance of this order, shall send a report to this Court, which will be put up before this Court in *Kutcha Peshi* by the Registry of this Court.

6. The Registry is directed to sent a copy of this order to Family Court concerned through email.

11.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No