

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M No.13327 of 2024
Date of decision: 19.03.2024

RICHA JAIN

.... Petitioner

Versus

DEEPANSHU AGARWAL

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Kompal Arora, Advocate for the petitioner.

MANISHA BATRA, J. (oral)

1. Prayer in this petition has been made by the petitioner for giving direction to the trial Court to decide the application for grant of interim maintenance as well as main petition bearing No. MNT/45/2021 titled as *Richa Jain vs. Deepanshu Aggarwal* which has been filed by her on 01.07.2021 and has not been decided so far.

2. It is submitted by learned counsel for the petitioner that despite the fact that an affidavit giving details of her income, assets, liabilities and expenditure had been submitted before the Family Court and reply to the application moved by the respondent-husband under Section under Section 151 had also been filed, learned Family Court has not been deciding even the application for grant of interim maintenance and a period of more than 3 and ½ years has been passed. Copies of all the orders passed by learned Family Court from the date of filing of the abovementioned maintenance petition till date, have been placed on record as Annexure P-3(colly.) which reflect that in fact, the affidavit of the present petitioner giving details of her income etc. had been filed way back in the year 2021 and precisely, the order dated 19.10.2021 reflects so. The concerned Family Court is still adjourning the matter and has

not decided the application for grant of interim maintenance allowance so far despite the fact that a period of above three and half years has already been passed.

3. It is well settled proposition of law that application for grant of interim maintenance should be decided at the outset so as to save the wife and child from vagrancy. It appears that the respondent has also been playing dilatory tactics to delay the disposal of interim application as well as the main petition and the Family Court is not shown to have taken into consideration the factum of filing of the affidavit by the petitioner on 29.10.2021, even while passing the last order dated 02.02.2024.

4. Keeping in view all these facts and circumstances, direction is hereby given to learned trial Court/Family Court, Panchkula to decide the application for interim maintenance as filed by the petitioner by hearing arguments on the next date of hearing which is fixed before it i.e. 01.04.2024 and to decide the same within a period of one week thereafter. The concerned Court shall also send a report about the disposal of the application for interim maintenance to this Court which shall be put up by the Registry before this Court in kacha peshi.

5. Learned Family Court shall also ensure expeditious disposal of the main petition.

6. Petition stands disposed of.

19.03.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No