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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1740 of 2024 (O&M)
Date of Decision: 15.04.2024

Gurpreet Singh

V/s.

..... Appellant

Harsimran Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
 HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Poonam Verma, Advocate for the appellant.

Sudhir Singh, J. (Oral)

1. The present appeal has been filed seeking setting aside of impugned order dated 11.12.2023 passed by Family Court, Sangrur.
2. Learned counsel for the appellant has submitted that maintenance of Rs.5,000/- each has been awarded under Section 125 in favor of the respondent-wife and minor child. Subsequently, against the said order, a revision was preferred and since the child was in custody of the petitioner-husband, hence the maintenance which was granted to the child by the Family Court, Sangrur, was stayed (Annexure P7). Thereafter, a separate application was made under Section 24 of the Hindu Marriage Act and maintenance has been awarded to the tune of Rs.3,000/- each to the respondent-wife and minor child vide order under challenge.
3. It has further been brought to our notice that an amount of Rs.5,000/- has already been paid to the respondent-wife by the appellant-husband but when the present order was being passed, the aforesaid fact that the maintenance of Rs.5,000/- has already been paid by the appellant-husband to respondent-wife in the light of the order passed under Section 125 Cr.PC, could not be brought to the notice of the Court.
4. Hence, learned counsel for the appellant seeks permission to withdraw the present appeal with liberty to make a fresh application before the trial Court concerned seeking modification of the order under challenge.
5. In view of above, the present appeal is dismissed as withdrawn, with liberty aforesaid.

(SUDHIR SINGH)
JUDGE

15th April, 2024
Sonia Puri

(HARSH BUNGER)
JUDGE

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