

CRR(F)-484-2024 (O & M)
Date of decision: 08.08.2024

...PETITIONER

RAKHI GARG AND ANOTHER

...RESPONDENTS

Present: Mr. Sandeep Berwal, Advocate
for the petitioner.

1. The present petition has been preferred against the order dated 12.02.2024 passed by learned Principal District Judge, Family Court, Bhiwani in maintenance petition No.MNT-18 of 2023, whereby, the petitioner has been directed to pay interim maintenance to the tune of Rs.15,000/- per month to respondent No.1-wife and Rs.10,000/- per month to respondent No.2-minor daughter from the date of filing of the application filed under Section 125 Cr.P.C.

2. Brief facts of the case are that the marriage of the petitioner and respondent No.1 was solemnized on 05.09.2021 in accordance with Hindu rites and ceremonies. Out of this wedlock, one female child was born. However, matrimonial dispute ensued between the couple and petitioner started treating respondent No.1 with mental as well as physical cruelty on account of demand of dowry and ousted her from her matrimonial home along with her minor child and the respondents filed a petition under Section 125 Cr.P.C. seeking



maintenance. The petitioner filed a reply and contested the claim made by the respondents. The learned Family Court vide order dated 12.02.2024 granted interim maintenance allowance of Rs.25,000/- per month in favour of the respondents (Rs.15,000/- per month to respondent No.1 and Rs.10,000/- to respondent No.2). Aggrieved by the same, the petitioner has approached this Court by filing the present revision petition.

3. Learned counsel for the petitioner *inter alia* contends that learned Family Court, Bhiwani, has passed the impugned order in a very cryptic fashion and no reasons have been assigned for determining the quantum of interim maintenance. It is further contended that respondent No.1 is providing tuitions and is earning handsome amount and she also knows the work of embroidery and stitching.

4. Mr. Shamsheer Singh Tomar, Advocate has put in appearance and filed his memo of appearance on behalf of respondents and he submits that the petitioner is having one showroom and other properties and is earning more than Rs.1,00,000/-. Learned counsel further submits that respondent No.1 has no source of income to maintain herself and her minor child.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, the matter is taken up for disposal. A perusal of the impugned order indicates that interim maintenance was awarded by learned Court below without obtaining affidavits of disclosure of assets and liabilities. A two Judge Bench of the Hon'ble Supreme Court in ***Rajnish v. Neha and another (2021) 2 SCC 324***, speaking through Justice Indu Malhotra, has observed as follows :

“(b) Payment of Interim Maintenance

132. *The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court/District Court/Magistrates Court, as the case may be, throughout the country.”*

6. In view of the discussion above, the impugned order dated 12.02.2024 is hereby set aside and the matter is remanded back to the learned Family Court, Bhiwani. The learned Court below is directed to pass a fresh order on the application for interim maintenance filed by the respondents, strictly in accordance with law.
7. The present petition stands disposed of accordingly.
8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

August 08, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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