

FAO-1802-2024 (O&M)

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

FAO-1802-2024 (O&M)
Date of Decision: 19.04.2024

PRAHLADH CHAUDHARY

...Appellant

Versus

KIRAN SODHI

...Respondent

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

Present : Mr. Maneesh Bali, Advocate
for the appellant.

HARSH BUNGER, J.

CM-6887-CII-2024

This is an application filed under Section 5 of the Limitation Act for condonation of delay of 49 days in filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed and delay of 49 days in filing the accompanying appeal is condoned.

Civil Misc. Application is, accordingly, disposed of.

FAO-1802-2024 (O&M)

The present appeal has been filed by the appellant (Prahladh Chaudhary) against the order dated 02.01.2024 passed by the learned Principal Judge, Family Court, Jalandhar on an application under Section 24 of the Hindu Marriage Act, 1955 (in short 'the 1955 Act') filed by the respondent (Kiran Sodhi) in the divorce petition titled "Prahladh Chaudhary Vs Kiran @ Kiran Sodhi".

2. Vide impugned order dated 02.01.2024, the learned Family Court, Jalandhar has awarded an interim maintenance to the respondent-wife

@ Rs.12,000/- per month from the date of filing of application along with Rs.15,000/- as litigation expenses.

3. Learned counsel for the appellant submits that on 02.01.2024, the learned Family Court, Jalandhar decided two petitions i.e. a petition under Section 125 Cr.P.C filed by respondent-Kiran Sodhi against the appellant-Prahladh Chaudhary and the afore-said application under Section 24 of the 1955 Act, filed by the respondent in the divorce petition filed by the appellant. Learned counsel for the appellant further submits that although, both the orders were passed on the same day and by the same Court and vide both orders, the appellant has been directed to pay maintenance to the respondent-wife @ Rs.12,000/- p.m. along with Rs.15,000/- as litigation expenses and in fact, when taken collectively, the appellant would be bound to pay Rs.24,000/- p.m. to the respondent-wife, apart from the litigation expenses awarded in both the cases. It is submitted that the learned Family Court, Jalandhar, while passing the order under Section 24 of the 1955 Act, has failed to observe that the maintenance awarded to the respondent-wife would be set off against the maintenance awarded under Section 125 Cr.P.C.

4. During the course of hearing of the appeal, learned counsel for the appellant has not disputed the fact that as far as the order dated 02.01.2024 (Annexure P-2) passed under Section 125 Cr.P.C is concerned, the same is only an interim maintenance and the final order as regards the maintenance to be awarded to the wife is yet to be passed.

5. In view of the afore-mentioned circumstances, learned counsel for the appellant submits that he may be permitted to withdraw the instant appeal with liberty to file an appropriate application before the Family Court

below, seeking modification/clarification of the impugned order passed under Section 24 of the 1955 Act, as noticed above.

6. In view of the above, the present appeal is disposed of with liberty to the respondent to move an appropriate application before the concerned Court, seeking modification/clarification of the order. However, in case, any such application is filed, the same shall be considered and decided by the concerned Court by passing a speaking order, in accordance with law.

7. All pending application/s (if any) shall also stand closed.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

April 19, 2024
gurpreet

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