



‘Act’) to respondents has not been adjusted in view of the ratio of law laid down in ‘*Rajnesh v. Neha and another*’ (2021) 2 SCC 324. The Apex Court has categorically held that any maintenance amount being paid in collateral proceedings is required to be set off while ascertaining the amount of maintenance in subsequent proceedings.

4. Having heard learned counsel for the petitioner and after perusing the record with his able assistance, the present petition is being decided in limine in view of the directions issued by the Hon’ble Supreme Court in *Rajnesh*’s case (*supra*), in order to save litigation cost of the respondent and judicial time of the Court.

5. In view of the facts and circumstances of the present case, the impugned order dated 12.02.2020 is hereby set aside and the matter is remanded back to the learned Family Court, Kaithal and the Court below is directed to pass a fresh order on the application for maintenance filed by the respondents by adjusting the amount of maintenance, the respondents are getting in the collateral proceedings, as directed above.

6. However, the adjustment/set-off shall be subject to clearing all the pending arrears payable till date, after adjustment under the D.V. Act within four weeks by the petitioner, failing which, the impugned order dated 12.02.2020 shall enure.

7. The present petition stands disposed of accordingly.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(HARPREET SINGH BRAR)
JUDGE

August 14, 2024
manisha

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