

respondent No.1 became strained. However, matrimonial dispute ensued between the couple and respondent No.1 filed a petition under Section 125 Cr.P.C. seeking maintenance. The petitioner filed a reply and contested the claim made by respondent No.1. The learned Family Court vide order dated 29.02.2024 granted interim maintenance allowance of Rs.15,000/- per month each in favour of the respondents. Aggrieved by the same, the petitioner has approached this Court by filing the present revision petition.

Learned counsel for the petitioner *inter alia* contends that impugned order is passed in a very cryptic fashion and no reasons have been assigned for determining the quantum of maintenance. Moreover, the impugned order is passed in complete violation of the ratio of law laid down in '**Rajnish v. Neha and another**' (2021) 2 SCC 324. Admittedly, the respondents are getting Rs.13,000/- per month vide order dated 04.03.2024 (Annexure P-9) passed by the learned Judicial Magistrate 1st Class, Ludhiana in the proceedings under Section 23 of the Protection of Women from Domestic Violence Act, 2005 (in short 'the Act').

Having heard the 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 directions issued by the Hon'ble Supreme Court in '**Rajnish v. Neha and another**' (2021) 2 SCC 324, in order to save litigation cost of the respondents and judicial time of the Court.

In view of the facts and circumstances of the case, this Court finds force in the arguments advanced by learned counsel for the petitioner. The perusal of the record indicates that the impugned order was passed, however, it was recorded that detailed order could not be dictated. Learned counsel for the

petitioner to a specific query raised by this Court submits that till date, the order has not been uploaded/passed. It further transpires that respondent No.1/wife has filed an application under Section 23 of the Act in a complaint filed before the learned Judicial Magistrate 1st Class, Ludhiana in which the learned Court has granted interim maintenance @ Rs.5,000/- per month each to both sons of the petitioner and Rs.3,000/- per month to respondent No.1/wife from the date of filing of the application.

In view of the ratio of law laid down in *Rajnish's case (supra)*, the aforementioned maintenance awarded in collateral proceedings is required to be adjusted which has not been done by the learned Family Court, Ludhiana.

In view of the above, the impugned order dated 29.02.2024 is hereby quashed and the matter is remanded back to the learned Family Court Ludhiana, to decide it afresh strictly in accordance with law by following the drill of the judgment of the Hon'ble Supreme Court passed in '*Rajnish v. Neha and another*' (2021) 2 SCC 324.

The present petition stands disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

30.04.2024
Neha

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