

CRR(F)-623-2024
Date of decision: 02.05.2024

Ranjan PriyadarshiPetitioner

Versus

Neha Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present revision petition has been preferred against the impugned judgment dated 25.01.2024 passed by the learned Principal Judge, Family Court, Gurugram, under Section 125 of the Cr.P.C. vide which the interim maintenance of Rs.10,000/- per month was awarded to the respondent/wife as provisional maintenance.

Brief facts of the case are that the marriage of the petitioner and the respondent was solemnized on 31.11.2019 in accordance with Hindu rites and ceremonies at Patna. Out of this wedlock, no child was born. It is further alleged that on account of extra-marital affair of the respondent, the relations between the petitioner and the respondent became strained. However, matrimonial dispute ensued between the couple and the respondent filed a petition under Section 125 Cr.P.C. seeking maintenance. The petitioner filed a reply and contested the claim made by the respondent. The learned Family Court vide order dated 25.01.2024 granted interim maintenance allowance of

Rs.10,000/- per month in favour of the respondent. 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 the learned Family Court, Gurugram, has passed the impugned order in a very cryptic fashion and no reasons have been assigned for determining the quantum of maintenance and surprisingly, instead of passing a reasoned order, provisional maintenance has been granted to the respondent. It is further contended that the perusal of the record would indicate that the learned Family Court has adjourned the case for recording the arguments on the application for interim maintenance and without even obtaining the requisite affidavit declaring the income, assets and liabilities and the ITR for the last three years, passed the impugned order. 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.

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 learned Family Court, Gurugram, has not assigned any reason for calculating the quantum of maintenance and arguments on the interim maintenance are yet to be heard.

In view of the above, the impugned order dated 25.01.2024 is

hereby set aside and the matter is remanded back to the learned Family Court Gurugram and the Court below is directed to pass a reasoned order on the application for interim maintenance filed by the respondent/wife.

The present petition stands disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

02.05.2024
Neha

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