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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRR(F)-498-2022 (O&M)****Date of Decision: 27.08.2024****SANDEEP @ SHIVAM****...Petitioner****V/S****MANISHA****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sushil Bhardwaj, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. K.L. Saini, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. Petitioner has assailed the order dated 06.05.2022 passed by the Court of learned Principal Judge, Family Court, Bhiwani vide which interim maintenance @ Rs. 7,000/- per month has been awarded in favour of the respondent.

2. Brief facts of the case are that the marriage of the petitioner and respondent was solemnized on 31.10.2017 in accordance with Hindu rites and ceremonies. However, matrimonial dispute ensued between the couple and 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 06.05.2022 awarded maintenance allowance of Rs. 7,000/- per month in favour of the respondent. 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



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to the tune of Rs. 7,000/- per month in favour of respondent as respondent-wife is Bachelor of Business Administration, doing job at Gurugram and earning Rs. 25,000/- per month as salary. It is further contended that learned Family Court has awarded the maintenance amount without obtaining the affidavit of assets and liabilities from the parties. Therefore, the amount so awarded is excessive/exorbitant in nature. Learned counsel for the petitioner has relied upon the judgment passed by Delhi High Court in ***MAT. APP (F.C) 248/2019 and CM APPL. 20720/2022 decided on dated 12.09.2023 titled as Mamta Jaiswal Vs. Rajesh Jaiswal 2000(3) MPLJ 100.***

4. Learned counsel for respondent submits that the petitioner is a well qualified person and runs a business in the name and style of Shivam Computer Hardware Sales and Services at Bhopal and he is legally and morally bound to pay maintenance to the respondent. However, he could not controvert the fact that maintenance was awarded without obtaining the affidavit of assets and liabilities from respondent-wife.

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 maintenance was awarded by learned Court below without obtaining the affidavit disclosing assets. A two Judge Bench of the Hon'ble Supreme Court in ***Rajesh 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 06.05.2022 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 maintenance filed by the respondent, strictly in accordance with law laid down by Hon’ble Supreme Court in **Rajnesh v. Neha and another (2021) 2 SCC 324**. Learned Family Court is directed to decide the petition seeking maintenance expeditiously as the petition under Section 125 Cr.P.C. was initially instituted in the year 2019.

7. Needless to say that till the matter is decided by learned Family Court below, the petitioner would be liable to pay the maintenance to respondent in terms of impugned order.

8. The present petition stands disposed of accordingly.

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

27.08.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No