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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRR(F)-373-2020 (O&M)****Date of Decision: 27.08.2024****HEMLATA****...Petitioner****V/S****BHARAT****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Jatin Sehra, Advocate for Mr. Dinesh Arora, Advocate
for the petitioner.

Mr. Sandeep Siwach, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. This is a revision petition filed against the judgment dated 10.07.2020 passed by learned Principal Judge, Rohtak, vide which an amount of Rs. 6,000/- per month has been awarded as maintenance to the petitioner.

2. Brief facts of the case are that the marriage of the petitioner and respondent was solemnized on 30.08.2017 in accordance with Hindu rites and ceremonies. However, matrimonial dispute ensued between the couple and petitioner filed a petition under Section 125 Cr.P.C. seeking maintenance. The respondent filed a reply and contested the claim made by the respondent. The learned Family Court vide order dated 10.07.2020 awarded maintenance allowance of Rs. 6,000/- per month in favour of the petitioner. Aggrieved by the same, the petitioner has approached this Court by filing the present revision petition seeking enhancement of the maintenance amount.

3. Learned counsel for the petitioner *inter alia* contends that learned Family Court, Rohtak, has has fell into grave error by awarding a meagre

amount of maintenance of Rs. 6,000/- per month in favour of petitioner-wife as



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the impugned order was passed without obtaining the affidavit of assets and liabilities from the parties. Therefore, the amount so awarded is liable to be enhanced. 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 B.A. B.Ed. and she is giving tuitions to the students at her home and is earning Rs. 20,000/- per month. However, he could not controvert the fact that maintenance was awarded without obtaining the affidavit of assets and liabilities.

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 ***Rajnesh 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.”



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6. In view of the discussion above, the impugned order dated 10.07.2020 is hereby set aside and the matter is remanded back to the learned Family Court, Rohtak. The learned Court below is directed to pass a fresh order on the application for maintenance filed by the petitioner, 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 2018.

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