



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225

CRR(F)-1110-2023 (O&M)

Date of Decision: 26.11.2024

Ravi Thakran

.... Petitioner

Versus

Hardik Thakran @ Hunny Thakran

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Anurag Jain, Advocate for the petitioner.

Mr. Eeshan Garg, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

The petitioner is challenging judgment dated 22.10.2021 passed by learned Additional Principal Judge, Family Court, Bhiwani in petition bearing No. MNT-162/2018 titled as 'Hardik Thakran vs. Ravi Thakran', whereby final maintenance to the tune of Rs.20,000/- per month was directed to be paid by him to the present respondent who is his minor son.

At the very outset, learned counsel for the parties are *ad idem* that impugned judgment dated 22.10.2021 has been passed by the learned Additional Principal Judge, Family Court, Bhiwani whereby final maintenance has been granted to the respondent under Section 125 Cr.P.C., however without taking on record the affidavits of income, assets and liabilities of both the parties.

Learned counsel for the petitioner has relied upon judgments of the Hon'ble Supreme Court passed in *Aditi alias Mithi vs. Jitesh*



Sharma, Law Finder Doc Id# 2376405 and of this High Court passed in CRR(F)-947-2023 titled as ***Mukesh Kumar Yadav vs. Kamlesh Yadav and another neutral Citation No. 2024:PHHC:103667*** to submit that after the judgment of Hon'ble Supreme Court passed in ***"Rajnesh Vs. Neha" Criminal Appeal No.730 of 2020, Law Finder Doc ID # 1760057***, maintenance cannot be assessed without first taking on record the affidavits of the income, assets and liabilities of both the parties. It is accordingly prayed that the matter be remitted back to the learned Family Court for reconsideration after taking on record the relevant affidavits of both the parties.

Learned counsel for the respondent has no objection in this regard.

Keeping in view the totality of facts and circumstances of the case, it is directed as follows:

- (i) The impugned judgment dated 22.10.2021 passed by learned Additional Principal Judge, Family Court, Bhiwani is set-aside.
- (ii) The parties are directed (through their respective counsel) to appear before the said Family Court on 16.12.2024 whereinafter the said Family Court shall proceed further, in accordance with law, with the matter & decide the same after taking affidavit(s) of assets/liabilities as directed for by the Hon'ble Supreme Court in the judgments titled as

Rajnesh vs. Neha, 2021(2) SCC 324 and Aditi @ Mithi (supra).

(iii) The petition (under Section 125 of Cr.P.C. of 1973 for grant of maintenance) was instituted in the year 2018 & hence the said Family Court is directed to decide the matter expeditiously, in accordance with law, preferably within a period of 04 months from date of the receipt/production of certified copy of this order.

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

26.11.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No