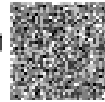


**CRR(F)-855-2022 (O & M)****1****218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****1. CRR(F)-855-2022 (O & M)
Date of decision: 10.09.2024****NITISH NARANG****...PETITIONER****V/S****PRABHDEEP KAUR****...RESPONDENT****2. CRR(F)-611-2023 (O & M)
Date of decision: 10.09.2024****PRABHDEEP KAUR****...PETITIONER****V/S****NITISH NARANG****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. Sandeep Khunger, Advocate
for the petitioner in CRR(F)-855-2022
and for the respondent in CRR(F)-611-2023.****Mr. R.D. Rattewal, Advocate
for the petitioner in CRR(F)-611-2023
and for the respondent in CRR(F)-855-2022.***********HARPREET SINGH BRAR, J. (ORAL)****1. This order of mine shall dispose of these petitions impugning the same order dated 04.07.2022 passed by learned Principal Judge, Family Court, Ferozepur, vide which interim maintenance to the tune of Rs. 3,000/- per month has been awarded to respondent-wife.****2. For the sake of brevity, facts are taken from CRR(F)-855-2022.****3. Brief facts of the case are that the marriage of the petitioner and respondent No.1 was solemnized on 03.07.2009 in accordance with Sikh rites and ceremonies. Out of this wedlock, two male children was born. However,**

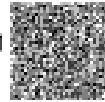


matrimonial dispute ensued between the couple and respondent filed a petition under Section 125 Cr.P.C. seeking interim maintenance. The petitioner-husband filed a reply and contested the claim made by the respondent. The learned Family Court, Ferozepur vide order dated 04.07.2022 granted interim maintenance allowance of Rs. 3,000/- per month in favour of the respondent-wife. Aggrieved by the same, both the parties have preferred these revision petitions.

3. Learned counsel for the petitioner-husband *inter alia* contends that on 30.04.2022, the petitioner was directed to file his affidavit with regard to his assets and liabilities. However, learned Family Court, Ferozepur, on the next date of hearing, without obtaining the affidavit of assets and liabilities of the petitioner, passed the impugned order in violation of the guidelines issued by Hon'ble Apex Court in **Rajnesh v. Neha and another (2021) 2 SCC 324**.

4. Per contra, learned counsel for respondent-wife contends that learned Family Court, Ferozepur, has fallen into grave error by awarding a very meager amount of interim maintenance to the tune of Rs. 3,000/- per month in favour of respondent. However, he could not controvert the fact that interim maintenance was awarded without obtaining the affidavit of assets and liabilities from the petitioner-husband.

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 interim maintenance was awarded by learned Court below without obtaining the affidavit disclosing assets and liabilities from the petitioner-husband. 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.”

6. In view of the discussion made hereinabove, the impugned order dated 04.07.2022 is hereby set aside and the matter is remanded back to the learned Principal Judge, Family Court, Ferozepur. The learned Court below is directed to pass a fresh order on the application for interim maintenance filed by the respondent-wife, strictly in accordance with law laid down by Hon’ble Supreme Court in **Rajnesh v. Neha and another (2021) 2 SCC 324**.

7. The present petitions stand disposed of accordingly.

8. Needless to say that till the matter is decided afresh by learned Family Court below, the petitioner would be liable to pay the interim maintenance of Rs. 3,000/- to respondent in terms of impugned order during the interregnum period.

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

September 10, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No