



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4496-2024 (O&M)
Date of Decision : 18.09.2024

Satish Kumar ... Petitioner(s)
Versus
Geeta ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Bishnoi, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 09.02.2024 (Annexure P-1) passed on an application under Section 24 of the Hindu Marriage Act, 1955 whereby the respondent herein has been granted monthly maintenance pendente lite.
2. In a judgment dated 24.01.2024 passed by a Division Bench of this Court in **FAO-5930-2023** titled as “**Rajni Vs. Mohit**” it has been held as under :

23. A decision of the Family Court on the application under Section 24 of the Act involves adjudication and determination of the right of the parties conclusively. In other words denial of the pendente lite maintenance and expenses of proceedings would seriously prejudice the rights of the applicant, who has no independent income sufficient for his or her maintenance and to contest the proceedings. On the other hand inability to pay pendente lite maintenance and expenses of the proceedings by the spouse having no independent income, would cause serious prejudice and result in severe civil consequences.

Thus decision of the Family Court under Section 24 of the Act 1984 conclusively decides the right of the parties regarding pendente lite maintenance and expenses of proceedings.

24. Therefore, in view of the foregoing discussions, we hold that a decision rendered by the Family Court under Section 24 of the Hindu Marriage Act, is not an interlocutory order and rather it is a 'judgment', which is amenable to appeal under section 19(1) of the Family Courts Act, 1984. The issue as indicated above is, accordingly, decided."

3. In view of the above, the impugned order is amenable to appeal under section 19(1) of the Family Courts Act, 1984.

4. Faced with the same, the learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to avail his remedies as available in law. Permitted to do so.

5. Dismissed as withdrawn with the liberty aforesaid. Pending applications, if any, also stand disposed off.

6. As per the filing check list of this Court, Objection Code No.3 is regarding raising of objection qua maintainability of such revision. A perusal of the instant file reveals that no such objection has been raised by the Registry at the time of passing of the present revision petition. In view of the above, the judgment the Registry is directed to take care while passing such revision petitions.

18.09.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO