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**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR(F)-1131-2024 (O&M)****Date of Decision: 12.09.2024****PANKAJ YADAV****.....PETITIONER****Vs.****KAVITA****.....RESPONDENT****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN****Present:-** Mr. Saleem Ahmed, Advocate,
for the applicant-petitioner.***********HARPREET KAUR JEEWAN J. (ORAL)****CRM-35706-2024**

In view of the averments made in the application, which is duly supported by an affidavit of the applicant-petitioner, the application is allowed and the delay of 94 days in filing the present petition is hereby condoned.

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1. The present Criminal Revision Petition has been filed for setting aside the order dated 01.03.2024, passed by the learned Principal Judge, Family Court, Bhiwani, whereby an interim maintenance @ ₹15,000/- per month was granted to the respondent-wife in a petition under Section 125 Cr.P.C.

2. Learned counsel for the petitioner *inter alia* contends that after filing the reply he was not aware as to whether he has to file an affidavit regarding the income and assets in terms of the judgment of the Hon'ble



Apex Court in Rajnesh vs. Neha and another [2021 (2) SCC 32]. On account of the said reasons, the Family Court has passed the impugned order.

3. I have considered the aforesaid contentions.

4. The Family Court has mentioned in paragraph No. 4 in the impugned order that there is no documentary proof regarding the income since the respondent-husband has not complied with the directions of Hon'ble the Apex Court in Rajnesh's case (*supra*).

5. Keeping in view the fact and circumstances of this case, issuance of notice to the respondent is dispensed with as it would further delay the proceedings before the Family Court.

6. In view of the decision by the Hon'ble Apex Court in Rajnesh's case (*supra*), it is mandatory for the parties to file affidavits of disclosure of assets and liabilities as per Enclosure I, II and III appended alongwith the said judgment, whichever is applicable.

7. Since in the present case, the petition has been decided without taking into consideration the said affidavits, as such, the matter is remanded back to the Family Court for deciding the application for grant of interim maintenance afresh after affording one opportunity to the petitioner for filing an affidavit of his income, assets and liabilities, in terms of the directions issued by the Hon'ble Apex Court in Rajnesh's case (*supra*) and subject to the following conditions:-

- i. The petitioner would clear 60% arrears of maintenance, in terms of the impugned order dated 01.03.2024 passed by the Family Court in five equal monthly installments. In case the aforesaid condition is not complied with, the present order would stand



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automatically vacated without any further reference of this Court.

ii. The respondent is also granted the liberty to approach this Court for recalling of this order, in case there is any false averment/statement on the part of the petitioner.

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

September 12, 2024 (HARPREET KAUR JEEWAN)
nitin JUDGE

Whether Speaking	Yes
Whether reportable	No