



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-29170-2024 in/and
CRR(F)-938-2022 (O&M)
Date of Decision:23.07.2024

Bhavneesh Mohan Shukla

.... Petitioner

Versus

Anuradha Shukla and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.S.Chatrath, Advocate for the petitioner.

Mr. Sherry K. Singla, Advocate
for the respondents.

NIDHI GUPTA, J. (ORAL)

The present revision petition has been filed by the petitioner-husband against the order dated 22.07.2022 passed by learned Additional Principal Judge, Family Court, Patiala in a case MNT 125 No. 111 of 06.04.2021 titled as '*Anuradha Shukla and another vs. Bhavneesh Mohan Shukla*' whereby in a proceedings under Section 125 Cr.P.C. filed by the respondents, the petitioner has been directed to pay interim maintenance of Rs. 25,000/- p.m. only to respondent No.2-daughter alongwith Rs.11,000/- as litigation expenses.

The sole contention raised by learned counsel for the petitioner for challenging the present order is that on the date of passing the impugned order, the respondent No.2-daughter was major and was, therefore, not entitled to maintenance.

Learned counsel for the petitioner, however, has not produced any proof to the fact that respondent No.2 was major on the said date. Even



learned counsel for the petitioner is unable to demonstrate that the said plea was raised by him before the learned Family Court. In any event, be that as it may, it is a matter of evidence and shall be considered by learned Family Court at the appropriate time during trial.

At this stage, it is submitted by leaned counsel for the petitioner that the said fact was considered by the learned trial Court in para 9 of the impugned order which reads as under:-

“9. With regard to the argument of learned counsel for the respondent that petitioner no.2 is not entitled for maintenance under Section 125 CrPC, however, she may claim maintenance under Section 20(3) of Hindu Adoption and Maintenance Act, this court is of the considered view that the law in this regard is well settled by Hon'ble Supreme Court in case titled as Abhilash v. Parkash & Ors, Criminal Appeal No.615 of 2020 arising out of SLP (Crl.) No.8260/2018), decided on 15.09.2020. Keeping in view the law laid down by Hon'ble Supreme Court in case mentioned supra, petitioner no.2 is entitled to get maintenance from her father under Section 125 CrPC without filing petition under Section 20(3) of Hindu Adoption and Maintenance Act in order to avoid multiplicity of litigation and to grant her immediate relief.”

However, learned counsel for the petitioner is unable to distinguish or dispute the legal position as law laid down by the Hon'ble Supreme Court in the above referred judgment.

Furthermore, it is noted in the impugned order that as per the bank account statement of the petitioner-husband, there are entries regarding deposit of salary of Rs.45,000/- p.m. Hence, no ground to interfere in the impugned order is made out.

The present petition is hereby **dismissed**.

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Pending applications, if any, stand disposed of.

23.07.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No