



114 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-45053-2024 (O&M)

Date of Decision: 11.09.2024

KAVITA AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Baljinder Singh Khaira, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition filed under Section 482 of Cr.P.C. is for issuance of direction to learned Principal Judge, Family Court, Panchkula, to decide the application No. 9/41/2022 dated 20.10.2022 for interim maintenance filed alongwith petition under Section 125 Cr.P.C. of case No. MNT/151-2022 titled as '**Kavita and Another Vs. Ashish**' in a time bound manner.

2. The marriage between the petitioner No. 1 and respondent No. 2 was solemnized on 06.12.2013 according to Hindu rites and ceremonies. Out of this wedlock, one female child (petitioner No. 2) were born. However, matrimonial dispute ensued between the couple and the petitioners filed a petition under Section 125 Cr.P.C. seeking maintenance of Rs. 40,000/- per month and till date the main petition as well as application seeking interim maintenance is pending before the learned Family Court, Panchkula.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has no source of income and she is solely dependent upon her father for her survival and she has instituted a petition under Section 125 of Cr.P.C.

seeking maintenance before the learned Family Court, Panchkula on



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20.10.2022 and till date, the application for interim maintenance has not been decided by learned Family Court below and petitioner is on the verge of destitution. Next date of hearing fixed before the learned Family Court below is 29.09.2024 and petitioner has already filed her affidavit declaring her assets and liabilities and delay in decision of the application seeking interim maintenance has infringed the fundamental right of the petitioner enshrined under Article 21 of Constituion of India, which ensures speedy trial. Notice to respondent No. 2 was issued on 20.10.2022 and case has been adjourned on several occasions and till date the application seeking interim maintenance has not been decided.

4. Keeping in view the limited prayer made by learned counsel for the petitioner, service of respondent No. 2 is dispensed with. Learned Family Court, Panchkula is directed to decide application seeking interim maintenance filed by the petitioners, expeditiously, preferably within a period of 03 months from the date of receipt of certified copy of this order.

5. Present petition is disposed of in aforesaid terms.

11.09.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No