



260

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52669-2022

Date of decision: 30.07.2024

NARINDER SINGH

...PETITIONER

V/S

SHIMLA RANI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Suresh Kumar Aneja, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 13.08.2019 passed by learned Judicial Magistrate Ist Class, Jalalabad, whereby, application under Section 125 Cr.P.C. in case bearing CIS No.MNT-125/252 of 12/2019 for interim maintenance filed by the respondent has been allowed and further prayer is for quashing the impugned order dated 04.07.2022 passed by the learned Sessions Judge, Fazilka, whereby the revision petition bearing CRR No.215 of 2019 dated 16.10.2019 filed by the petitioner stands dismissed.

2. Brief facts of the case are that the marriage between the petitioner and respondent was solemnized in the month of February, 2008 at village Paliwala, Tehsil Jalalabad by way of Anand Karaz. Out of the wedlock, two children namely Dilraj Singh and Sirtaj Singh were born. However, matrimonial dispute ensued between the couple and the respondent filed a petition under Section 125 Cr.P.C. seeking interim maintenance. The petitioner filed a reply and contested the claim made by the respondent. The learned Judicial Magistrate Ist Class, Jalalabad vide order dated 13.08.2019, awarded an amount of Rs.4,000/- per month as



CRM-M-52669-2022

-2-

interim maintenance to respondent/wife and the same was upheld by the learned Sessions Judge, Fazilka vide order dated 04.07.2022. At the same time, petition dated 21.11.2018 filed by respondent-wife under Section 24 of the Hindu Marriage Act seeking grant of maintenance pendente lite was allowed by learned District Judge, Fazilka vide order dated 26.08.2019, whereby, Rs.8,000/- per month was granted to her as interim maintenance. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. I have heard the learned counsel for the petitioner and perused the material on record with his able assistance.

4. The petitioner has challenged the order vide which interim maintenance has been awarded to the respondent-wife under Section 125 Cr.P.C. During the pendency of the present petition, final maintenance under Section 125 Cr.P.C. has been awarded to the respondent-wife. Consequently, the present petition impugning the interim maintenance has been rendered infructuous and is disposed of accordingly.

5. However, in view of the directions given by the Hon’ble Supreme Court qua overlapping jurisdiction in the case of **Rajnish Vs. Neha and another, (2021) 2 SCC 324**, liberty is granted to the petitioner to take the plea regarding set-off,qua successive claims of maintenance made by the respondent-wife, before the concerned Court where the proceedings under Section 24 Hindu Marriage Act are pending.

July 30, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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