

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

112

CRR-F-1327-2022(O&M)

Date of order: 14.03.2024

Sahid

.....Petitioner(s)

Vs.

Smt. Tafseena & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Nidhi Gupta, J.

CRM-6676-2024

This is an application under Section 482 Cr.P.C. for placing on record copy of order dated 06.12.2021 passed in Domestic Violence Act, 2005 as Annexure P4.

After going through the contents of the application, which is supported by affidavit of applicant/petitioner, the same is allowed subject to all just exceptions, and Annexure P4 is taken on record.

MAIN CASE

Challenge in the present petition is to order dated 18.10.2022 passed by learned Principal Judge, Family Court, Nuh, whereby in an application for grant of ad interim maintenance under Section 125 Cr.P.C. filed by the respondents/wife and child, the petitioner/husband has been directed to pay Rs.5,500/- per month to respondent No.1/wife and

Rs.2,500/- per month to respondent No.2/child from the date of filing the application, along with Rs.2,000/- as litigation expenses.

2. Learned counsel for the petitioner inter alia submits the impugned order is on the face of it wrong as the petitioner is already paying Rs.5,000/- per month as maintenance to respondent No.1 in a petition filed by her under the DV Act.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in detail.

5. Perusal of record of the case shows that the petitioner was married to respondent No.1 on 07.11.2016. Respondent No.2 was born out of the said wedlock. Parties are living separately since 2018. It is the pleaded case of the respondents before the learned Family Court that the petitioner is earning Rs.30,000/- per month from his stitching centre and Rs.15,000/- per month from mobile tower installed in his commercial plot.

6. The only ground on which the petitioner has assailed the impugned order is that he is already paying Rs.5,000/- per month to respondent No.1 under the DV Act in compliance of order dated 06.12.2021 (Annexure P4) passed by learned CJM, Nuh in case COMA-92-2020. However, perusal of order dated 06.12.2021 (Annexure P4) reveals that the said amount is being paid by the petitioner to the respondents by way of rental allowance. Respondent No.1/wife had filed an application seeking a direction that she be not dispossessed from the matrimonial home. The said application was allowed on 28.01.2021. Despite that she was forcibly

turned out of the matrimonial home. As such, respondent No.1 had approached this Court by way of CRM-M-1960-2021, which was dismissed as withdrawn by this Court with liberty to respondent No.1 to raise each and every issue before the learned trial Court. Accordingly, the learned trial Court, keeping in view the intense acrimony between the parties, had deemed it appropriate that instead of rehabilitating the parties to live under one roof, some monetary benefit in lieu of residence be granted to respondent No.1. It is in this background that the petitioner was directed to make payment of Rs.5,000/- per month in lieu of rent to respondent No.1 for her accommodation along with her minor child.

7. Learned counsel for the petitioner is unable to controvert or dispute this factual position.

8. In view of the above, I find no infirmity in the impugned order dated 18.10.2022 passed by learned Principal Judge, Family Court, Nuh. Present petition accordingly stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

14.03.2024

Sunena

Whether speaking/reasoned

Whether reportable

(Nidhi Gupta)

Judge

Yes/No

Yes/No