



**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR(F)-34-2019 (O & M)
Date of decision: 27.08.2024**

PAYAL JAIN

...PETITIONER

V/S

AMIT GUPTA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Sukhveer Kaur, Advocate for
Mr. Kartar Singh Malik-I, Advocate
for the petitioner.

Mr. Ajay Kumar Gupta, Advocate
for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed seeking modification of order dated 09.07.2018 passed by learned Addl. Principal Judge, Family Court, Rohtak, whereby, the respondent has been directed to pay an amount of Rs.6,000/- per month for maintenance of the petitioner from the date of aforesaid order.

2. Brief facts of the case are that the marriage of the petitioner and the respondent was solemnized on 28.02.2009 at Bhiwani in accordance with Hindu rites and ceremonies. Out of this wedlock, no child was born. However, matrimonial dispute ensued between the couple and the petitioner filed a petition under Section 125 Cr.P.C. seeking maintenance. The respondent filed a reply and contested the claim made by the petitioner. The learned Family Court, Rohtak vide order dated 09.07.2018 granted maintenance allowance of Rs.6,000/- per month in favour of the petitioner from the date of passing of order. Aggrieved by the same, the petitioner approached this Court by filing the



present petition.

3. Learned counsel for the petitioner *inter alia* contends that the grievance raised in the present petition by the petitioner is that learned Family Court has committed an error in granting the maintenance from the date of passing of order instead of from the date of filing of the application. The Hon'ble Apex Court has examined the issue of granting maintenance in *extenso* and issued detailed guidelines in this regard. In view of the ratio of law laid down in '**Rajnish v. Neha and another**' (2021) 2 SCC 324, the Apex Court has categorically held that maintenance in all cases will be awarded from the date of filing the application for maintenance.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, the present petition is taken up for final disposal.

5. While dealing with the issue of maintenance *in extenso*, a two Judge bench of the Hon'ble Supreme Court in **Rajnish v. Neha and another** (*supra*), laid down the criteria for determining quantum of maintenance and issued the following directions:

"VI Final Directions

xxx....xxx....xxx

(d) Date from which maintenance is to be awarded

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above."

6. In view of the discussion above, the impugned order dated 09.07.2018 is hereby set aside and the matter is remanded back to learned Addl. Principal Judge, Family Court, Rohtak. The learned Court below is



directed to pass a fresh order on the application for maintenance filed by the petitioner strictly in accordance with law laid down by the Hon’ble Supreme Court in *Rajnish v. Neha and another (supra)*. Learned Family Court is also directed to decide the petition seeking maintenance expeditiously as the said petition under Section 125 Cr.P.C. was initially instituted in the year 2015.

7. Needless to say that till the matter afresh is decided by learned Family Court below, the respondent would be liable to pay the maintenance to the petitioner in terms of impugned order, as an interim measure.

8. The present petition stands disposed of accordingly.

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

August 27, 2024
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(HARPREET SINGH BRAR)
JUDGE

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