



CRM-M-14607-2025(O&M)

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

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**CRM-M-14607-2025(O&M)
Decided on : 08.05.2025**

KRISHNA KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Gautam Kumar, Advocate
for the petitioner.

KIRTI SINGH, J. (Oral)

Instant petition has been filed under Section 528 of BNSS seeking issuance of directions to learned Principal Judge, Family Courts, Faridabad to decide the application filed by the petitioner under Section 146 of the BNSS, vide CRM No.9570 of 2024, for alteration of the allowance granted by the learned Principal Judge in Maintenance Case No. 295 of 2018, dated 05.07.2018, within a stipulated time period.

2. Learned counsel for the petitioner submits that the marriage between the petitioner and respondent No.2 was solemnized on 03.11.2014 and out of said wedlock, two children were born. However, due to matrimonial disputes, an FIR was registered by respondent No.2 against the petitioner and his family members. Respondent No.2 also filed an application under Section 12 of Domestic Violence Act, wherein an interim maintenance to the tune of Rs.3000/- was awarded vide order dated 04.10.2019. Thereafter, an application for maintenance under Section 125 Cr.PC. was also filed on behalf of respondent No.2 and the minor children

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wherein vide order dated 20.09.2022 the petitioner was directed to pay Rs.8000/- per month to respondent No.2 and Rs.3000/- per month to the two minor children. An execution petition for recovery of the maintenance amount was also filed by respondent No.2, and vide order dated 18.10.2024, and the petitioner was also sent for civil imprisonment on two occasions due to default in payment. Thereafter, the petitioner filed an application under Section 146 BNSS for alteration in the maintenance allowance awarded to respondent No.2 and the minor children which is pending before the learned Family Court, Faridabad.

3. It is the submission of the learned counsel for the petitioner that respondent No.2 is more qualified than the petitioner, possessing degrees of M.Com, certified professional Accountant, and LL.B. She was previously employed as a teacher in a private school, earning approximately Rs.22,000/- per month, and was also conducting private tuitions, generating an additional income of Rs.15,000/- per month. In view of the same, respondent No.2 is fully capable of maintaining herself and the children. However, the petitioner is willing to pay the maintenance of both the children i.e. Rs.3,000/- per month each. It is submitted that the application under Section 146 BNSS for alteration in allowance granted to the respondent and minor children vide judgment dated 20.09.2022 was filed by the petitioner before the Ld. Family Court, Faridabad which was listed before the Learned Family Court, Faridabad on 20.08.2024, when notice was issued for 30.09.2024, and again on 19.11.2024, respondent No.2 was duly served. Despite service, the respondent has failed to file a written statement, and the matter was adjourned on 10.12.2024 and 14.02.2025 for this purpose and the next date of hearing was fixed for 09.04.2025. It is submitted that respondent No.2 is



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deliberately delaying the proceedings. Therefore, directions be issued to the learned Family Court to decide the application filed by the petitioner under Section 146 BNSS expeditiously.

4. In view of the limited prayer made, this petition is disposed of with a direction to the learned Principal Judge, Family Court, Faridabad, to decide the petitioner's application filed under Section 146 of the BNSS, registered as CRM No.9570 of 2024 expeditiously.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

08.05.2025

Kavita

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No