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

Sr. No.106**CRM-M-23631-2025(O&M)****Date of decision : 03.05.2025**

Nitin Vohra

..... Petitioner

VERSUS

Pritima @ Hunny and another

..... Respondents

CORAM: sHON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Arzoo Modi, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

1. The present petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been preferred for quashing of order dated 27.03.2025 (Annexure P5) passed in CIS No.CRM/42/24 case No.08/2024 passed by the learned Addl. Principal Judge, Family Court, Panipat whereby the petitioner has been directed to pay Rs.10 lacs to the respondents upto 20.05.2025.

2. The brief facts of the case are that the marriage between the petitioner and respondent No.1 was solemnised on 28.07.2013. A matrimonial dispute ensued between the couple and the respondents filed a petition under Section 125 Cr.P.C. for seeking maintenance. The petitioner filed a reply and contested the claim made by the respondent. The learned Family Court vide order dated 16.01.2024 granted maintenance of Rs.1,00,000/- in favour of respondent No.1 and Rs.50,000/- to respondent No.2 per month from the date of filing of the petition. This order was challenged by the petitioner by way of a revision petition bearing No.CRR(F)-216 of 2024 before this Court, which was dismissed on

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08.04.2024. Aggrieved from the same, the petitioner preferred SLP (Crl.) No.6389 of 2024 before the Hon'ble Supreme Court and the Supreme Court, reduced the maintenance granted to respondent No.1 from Rs.1,00,000/- to Rs.50,000/- while maintenance of Rs.50,000/- granted to respondent No.2 was sustained vide order dated 29.07.2024. Further, the petitioner was also directed to pay Rs.25 lacs to respondent No.1 within a period of one month from the order dated 29.07.2024. Prior to the passing of the order dated 29.07.2024, the respondents had filed an execution application for the recovery of Rs.1,09,00,000/- as per order dated 16.01.2024 passed by the learned trial Court whereinunder, the impugned order dated 27.03.2025, was passed, per which the petitioner was directed to make payment of Rs.10,00,000/- to respondent No.1 on the next date of hearing which has been fixed for 20.05.2025, by overlooking the fact that the amount of maintenance to be paid had been reduced by the Hon'ble Supreme Court and also that the petitioner had already paid a sum total of Rs.25,00,000/- as also Rs.2,00,000/- to the respondents. Aggrieved by the same, the petitioner has filed the present petition.

3. Learned counsel for the petitioner *inter alia* submits that while passing the impugned order, the learned trial Court has failed to consider the facts that the petitioner has already paid Rs.25 lacs on 27.08.2024, and Rs.2 lacs on 27.03.2025 to the respondents. The fact that the quantum of maintenance awarded to respondent No.1 has also been reduced by the Hon'ble Supreme Court, from Rs.1,00,000/- to Rs.50,000/-. The Executing Court has even overlooked the financial capacity of the petitioner while passing the impugned order, since it is very difficult to pay such a lumpsum amount in such a short span of time, especially, in view of the fact that huge

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amounts have already been paid by the petitioner. This fact has also been totally ignored while passing the impugned order.

4. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner. The present petition is decided *in limine* in order to save litigation cost of the respondent and also to save the judicial time of the Court.

5. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents.

6. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375***, speaking through Justice Fatima Beevi, opined that as follows:

“3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife.”

7. The adequacy of the maintenance allowance has to be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable comfort.

8. While dealing with the issue of maintenance *in extenso*, a two Judge bench of the Hon'ble Supreme Court in ***Rajnesh v. Neha and another (2021) 2 SCC 324***, laid down the criteria for determining quantum of maintenance and issued the following directions:

VI Final Directions

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130. *In view of the foregoing discussion as contained in Part B -1 to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India:*

(a) Issue of overlapping jurisdiction

131. *To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:*

(i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding:

(ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;

(iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding

(b) Payment of Interim Maintenance

132. *The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court / District Court / Magistrates Court, as the case may be, throughout the country.*

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(c) Criteria for determining the quantum of maintenance

133. For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B III of the judgment.

134. The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.

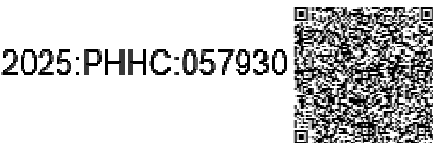
(d) Date from which maintenance is to be awarded

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.

(e) Enforcement/Execution of orders of maintenance

136. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28A of the Hindu Marriage Act, 1956; Section 20(6) of the D.V. Act; and Section 128 of Cr.P.C may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC more particularly Sections 51, 55, 58, 60 r.w. Order XXI."

9. A perusal of the impugned order passed by the learned Family Court makes it evident that the decision was taken on the execution petition for recovery of arrears computed as per the order dated 16.01.2024 whereby maintenance was ordered to be paid at the rate of Rs.1,50,000/- per month. The fact that the maintenance amount had been reduced to Rs.50,000/- by the Hon'ble Supreme Court, and also the fact that the petitioner had paid Rs.25,00,000/- to the respondents on the direction of the Hon'ble Apex



Court and thereafter, paid another amount of Rs.2,00,000/- as part of maintenance was overlooked while passing the impugned order. Infact, vide the said order, the petitioner was directed to make further payment of Rs.10,00,000/- on the next date fixed i.e. 20.05.2025, i.e. in a short span of time. Such an order overlooking the judgment of the Hon’ble Supreme Court, and directing payment of huge lump-sum amounts in a short span of time might amount to injustice towards the petitioner.

10. In view of the above, the petition is allowed and order dated 27.03.2025 (Annexure P5) is set aside. The matter is remanded back to the learned Addl. Principal Judge, Family Court, Panipat to take decision on the petition as per direction/order dated 29.07.2024 passed by the Hon’ble Supreme Court.

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

(KIRTI SINGH)
JUDGE

03.05.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No