



110

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

CM-852-CII-2025 in/and
CR-4047-2023 (O&M)
Date of decision: 21.01.2025

Praveen Kumar

...Petitioner

Versus

Manisha

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Yogesh Jangra, Advocate for the petitioner.

Mr. Rajesh Khandelwal, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

CM-852-CII-2025

1. This is an application filed under Section 151 CPC for recalling and vacating the interim order dated 20.07.2023 passed by the Coordinate Bench of this Court.

2. Learned counsel for the applicant-respondent has submitted that the impugned order is appealable and has further submitted that the main case is listed for 30.01.2025.

3. Both the counsels have jointly submitted that the present application be disposed of by preponing the main case from 30.01.2025 to today.

4. Accordingly, the present application is disposed of by



preponing the date of hearing in the main case from 30.01.2025 to today and same is taken on Board today itself for final disposal.

Main case

1. On 20.07.2023, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. Yogesh Jangra, Advocate for
Mr. Anil Malik, Advocate for the petitioner(s).*

:-

1. Present revision petition has been filed by the petitioner-husband against the impugned order dated 02.03.2023, whereby, in an application filed under Section 24 of the Hindu Marriage Act, 1955, he has been directed to pay interim maintenance amount to the respondent-wife to the tune of Rs.12,000/- per month, and Rs.11,000/- as litigation expenses.

2. Mr. Yogesh Jangra, learned counsel for the petitioner contends that respondent-wife produced the salary slip of Rs.49,000/- p.m., however, it was found that petitioner is receiving only Rs.20,743/-, and thereafter, the Court below awarded interim maintenance to the respondent-wife as Rs.12,000/- p.m., which is around 60% of the monthly salary, being received by the petitioner in pocket.

3. Notice of motion for 30.10.2023.

Meanwhile, payment of interim maintenance amount beyond Rs.10,000/- p.m. shall remain stayed.

July 20, 2023”

2. Learned counsel for the petitioner seeks to withdraw the present revision petition with liberty to the petitioner to file an appeal against the impugned order, in accordance with law. It is further submitted that since the interim order is continuing since 20.07.2023 the said interim order be



continued for another period of 15 days so as to enable the petitioner to file the said appeal.

3. Learned counsel for the respondent has submitted that in case the said order dated 20.07.2023 is continued for another period of 15 days, then the same should not be construed as an expression of opinion on merits of the case and liberty be granted to the respondent to raise all the pleas before the Appellate Court so as to oppose the main appeal as well as the stay application.

4. Keeping in view the abovesaid facts and circumstances and the fair stand taken by learned counsel for the petitioner as well as by learned counsel for the respondent, the present revision petition is dismissed as withdraw with liberty to the petitioner to file a statutory appeal in accordance with law and interim order dated 20.07.2023 is ordered to be continued for another period of 15 days, however, passing of the said order should not be construed as an expression of opinion on the merits of the case. It would be open to both the parties to raise all the pleas in support of and against the appeal as well as in support of and against the application for stay. It is further clarified that this Court has not opined on the merits of the case and it would be open to both the parties to raise all the pleas, in accordance with law.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

21.01.2025

Pawan

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No

(VIKAS BAHL)
JUDGE