IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. Rev. (FC) No.9 of 2026
Decided on 27th October 2026

Tula Ram

…Petitioner

Vs.

Smt. Mohan Pyari

…Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

[1]Whether approved for reporting?

For the petitioner	**:**	**Mr. Jyotirmay Bhatt, Advocate.**
For the respondent	**:**	**Ms. Abhilasha Kaundal, Legal Aid Counsel.**

Ajay Mohan Goel, Judge *(Oral)*

By way of this writ petition, petitioner has, *inter alia*, prayed for the following relief:-

> *"Set aside the order dated 28.11.2025 passed by the Learned Principal Judge, Family Court, Kinnaur Division at Rampur, H.P., in Case Reg. No.3-K/40 of 2023."*

2. The order under challenge dated 28.11.2025 reads as under:-

> *"At this stage, the respondent along with his counsel Sh. B.S. Thakur, Advocate, has stated that he has no objection in case the interim maintenance order to pay ₹ 5000/-, is made absolute. Apart from*

this, he has undertaken to bear the expenses of children, who are residing with him. He has further stated that he is having no objection if the maintenance allowance to the tune of ₹ 5000/- is ordered to be deducted from his salary. His statement to this effect is recorded separately and placed on file. The statement of petitioner Smt. Mohan Pyari has already been recorded to this effect, during the disposal of application under section 126(2) Cr.P.C.

After giving considerable thoughts to the facts and circumstances of the case, this court has come to the conclusion that parties have lawfully compromised the matter between them. In view of this, the respondent is directed to pay monthly maintenance to the tune of ₹5000/- to the petitioner from today.

Let copy of this order be sent to the DDO of the respondent, to deduct₹ 5000/- as monthly maintenance allowance towards the petitioner from the salary of respondent and to sent the same to the petitioner through her bank account. The petition is disposed of accordingly. Statements of the parties shall form part of this order. The file after due completion be consigned to record room."

3. A perusal of the order demonstrates that it was a consent order passed by the Court on the basis of the statement made by the learned counsel representing the present petitioner before the learned Court below.

4. In light of this fact, as this petition is nothing, but abuse of the process of law and as we do not find any infirmity in the order under challenge, which was passed by the learned Court on the concession given by the learned counsel

appearing for the present petitioner before the learned Court below, this petition is dismissed.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

October 27, 2026
(Vinod)