



CRR(F)-1172-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR(F)-1172-2023

Date of Decision: 21.04.2025

Dhiraj Kumar Sharma @ Monu

...Petitioner

Versus

Parsi Bedi and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rishu Mahajan, Advocate
for the petitioner

Mr. Dheeraj Mahajan, Advocate
for the respondents

KIRTI SINGH, J. (Oral)

1. The present petition has been preferred against order dated 18.04.2023 passed by learned Principal Judge, Family Court, Amritsar whereby the petition under Section 125 of the Cr.P.C. for grant of interim maintenance filed by the respondents has been allowed and maintenance to the tune of Rs.8,000/- per month has been allowed under the head of Rs. 5,000/- to the minor children and respondent No. 1 has been granted Rs. 3,000/-.

2. The marriage between the petitioner and respondent No. 1 was solemnised on 15.11.2008 according to the Hindu rites and ceremonies and out of the said wedlock two children were born. One of the minors is in the care and custody of the petitioner while the other one is in the care of respondent No. 1. A matrimonial dispute ensued between the couple and respondent No. 1 filed a petition under Section 125 Cr.P.C. for seeking maintenance. The petitioner filed a



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reply and contested the claim made by the respondents. The learned Court below vide order dated 18.04.2023 granted interim maintenance of Rs.8,000/- per month in favour of the respondents. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner *inter alia* contends that the wife of the petitioner has left his company without any justifiable cause. The respondent is living separately from her husband with her own will and wish without any sufficient reason. Hence, the respondents cannot claim maintenance in view of Section 125 Cr.P.C. Moreso, respondent No. 1 has remarried on 04.10.2022, which fact was concealed before the Family Court, accordingly, she is not entitled to any maintenance.

4. Per contra, learned counsel for the respondent has refuted the submissions made by the counsel for the petitioner and has contended that the impugned order was passed on 18.04.2023 and during the course of arguments, no such contention was advanced before the Family Court.

5. In light of the facts and circumstances of this case as presented before this Court, the case is remanded back to the Family Court to reconsider the matter afresh, after considering the factum of re-marriage of respondent No. 1, as has been contended. Needful be done expeditiously, preferably within a period of three months. Nonetheless, the petitioner shall continue paying the amount of maintenance so awarded in favour of respondent No. 2.

6. Disposed of in aforesaid terms.

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

21.04.2025

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Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No