



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

**CR-27-2025 (O&M)
Decided on : 13.05.2025**

Charanjit Singh @ Charanjeet Singh Petitioner

Versus

Kirandeep Kaur Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

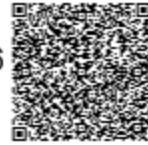
Present : Mr. Armaan Gagneja, Advocate
for the petitioner.

Mr. Jagat Vir Dhindsa, Advocate
for the respondent.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition preferred under Article 227 of the Constitution of India, assails the order dated 12.11.2024 (Annexure P-1), passed by the Court of District Judge, Sri Muktsar Sahib vide which, while staying the operation of the judgment and decree dated 19.03.2024 (Annexure P-2), the petitioner was asked to pay a sum of Rs.22,000/- per month as maintenance to the respondent.

2. A suit for permanent maintenance amounting to Rs.50,00,000/- (for past, present and future maintenance of Rs.40,000/- per month till her life time) was filed by the respondent-plaintiff against the petitioner-defendant. The said suit was decreed vide judgment and decree dated 19.03.2024. An appeal was preferred by the present petitioner against the said judgment and decree. The



appeal was accompanied by an application under Order 41 Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 for the grant of stay. Vide impugned order dated 12.11.2024, the operation of the judgment and decree dated 19.03.2024 was stayed subject to the petitioner paying Rs.22,000/- per month as maintenance to respondent leading to the filing of the present revision petition.

3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioner has strenuously urged that the impugned order is illegal and arbitrary. He submits that a sum of Rs.11,00,000/- already stands paid to the respondent in other maintenance proceedings preferred under Section 125 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'). He submits that even the salary of the petitioner stands attached in the said proceedings. Learned counsel submits that there was no occasion for the First Appellate Court to award a sum of Rs.22,000/- per month as maintenance as a condition for stay of the impugned judgment and decree without considering the fact that the petitioner had already been saddled with maintenance of Rs.13,000/- per month in the proceedings under Section 125 Cr.P.C. He submits that under the circumstances, the impugned order is not sustainable and, therefore, deserves to be set aside.

5. On the other hand, learned counsel for the respondent submits that there is no illegality in the impugned order. He submits that even the maintenance awarded in the proceedings under Section 125 Cr.P.C. was not being paid as a result of which the salary of the petitioner had to be attached. He further submits that the impugned order is perfectly legal and valid and was passed by the First Appellate Court keeping in view the fact that a sum of Rs.50,00,000/- was



awarded as permanent maintenance by the trial Court and a sum of Rs.40,000/- per month was also awarded as maintenance for the rest of her life.

6. I have considered the submissions made by learned counsel for the parties.

7. Vide judgment and decree dated 19.03.2024, the trial Court awarded a sum of Rs.50,00,000/- as permanent maintenance and a sum of Rs.40,000/- per month as maintenance till the lifetime of the respondent in terms of the provisions of Sections 18, 20, 24 and 27 of the Hindu Adoption and Maintenance Act, 1956. The legality of the said judgment and decree is being tested by the First Appellate Court wherein an appeal was preferred by the present petitioner. Since the petitioner sought stay of operation of the said judgment and decree, the First Appellate Court passed a conditional order of stay directing the petitioner to pay a sum of Rs.22,000/- per month as maintenance during the pendency of the appeal. I do not find any illegality in the said order which the First Appellate Court passed in its wisdom while staying the operation of the judgment and decree dated 19.03.2024. Merely because the salary of the petitioner stands attached in the other proceedings would not mean that no other liability can be saddled upon the petitioner. It is for the petitioner to maintain his wife and abide by the orders of the Court. During the pendency of the appeal of the petitioner, the First Appellate Court, in the considered opinion of this Court, did not commit any illegality in ordering the stay of operation of the impugned order subject to the petitioner paying Rs.22,000/- per month to the respondent as maintenance.

That being so, I do not find any merit in the present petition and the same is hereby dismissed. This Court is sanguine that since valuable rights of the



CR-27-2025 (O&M) 4

parties are concerned, the First Appellate Court shall expeditiously hear and decide the appeal.

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

13.05.2025

mamta

(VIKRAM AGGARWAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No