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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-148-2025
Date of decision: 31.01.2025

NITIN MUKESH

...Petitioner(s)

VERSUS

PRIYANKA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sanchit Choudhary, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the order dated 18.12.2024 passed by the learned Principal Judge, Family Court, Ambala, vide which ad-interim maintenance has been granted to the respondents to the tune of Rs.10,000/- per month i.e. Rs.6,000/- per month to respondent No.1-wife and Rs.4,000/- per month to respondent No.2-minor daughter.

2. Learned counsel for the petitioner submitted that the learned Principal Judge, Family Court, Ambala has awarded ad-interim maintenance of Rs.10,000/- per month to the respondents i.e. Rs.6,000/- per month to respondent No.1-wife and Rs.4,000/- per month to respondent No.2-minor daughter of the age of 6 years, who is under the care and custody of respondent No.1-wife. He further submitted that an application for interim maintenance has



not been decided as yet by the learned Principal Judge, Family Court, Ambala and it was only ad-interim maintenance which has been granted and the aforesaid grant of ad-interim maintenance cannot be permitted and therefore, a direction may be issued to the learned Principal Judge, Family Court, Ambala to decide the application for grant of interim maintenance.

3. I have heard the learned counsel for the petitioner.

4. In the impugned order dated 18.12.2024, the learned Principal Judge, Family Court, Ambala observed that the application for grant of interim maintenance was already pending and the same was not decided as yet and it appears that the application under Section 125 Cr.P.C. for grant of interim maintenance was filed in the year 2022 and more than 2 years have elapsed and therefore, the learned Principal Judge, Family Court, Ambala thought it fit to grant ad-interim maintenance of Rs.10,000/- per month i.e. Rs.6,000/- per month to respondent No.1-wife and Rs.4,000/- per month to respondent No.2-minor daughter, who is of the age of 6 years. The learned Principal Judge, Family Court, Ambala referred to the affidavit filed by the petitioner-husband, wherein his income has been shown to be Rs.49,500/- per month. It has also been so observed by the learned Principal Judge, Family Court, Ambala that the marriage between the petitioner and respondent No.1 is also admitted and as per the learned counsel for the petitioner, respondent No.2-minor daughter, who is of the age of 6 years is under the care and custody of respondent No.1-wife. It appears that in order to prevent any miscarriage of justice, the aforesaid ad-interim maintenance has been awarded by the learned Principal Judge, Family Court, Ambala and there is nothing on the record to show that the



respondent-wife was working somewhere. However, the learned counsel for the petitioner has referred to Annexure P-5, whereby respondent No.1-wife had herself given a statement in the year 2022 before the Community Liaison Group (CLG) members that she is teaching in some academy but there is no reference to the aforesaid statement or any affidavit in the impugned order.

5. After hearing learned counsel for the petitioner, this Court is of the considered view that in case the application for grant of interim maintenance has not been decided by the learned Principal Judge, Family Court, Ambala, then it will be necessary to issue directions to the learned Principal Judge, Family Court, Ambala to decide the same as expeditiously as possible and within a period of two months from today.

6. Consequently, it is directed that in case the application for grant of interim maintenance under Section 125 Cr.P.C. has not been decided till date by the learned Principal Judge, Family Court, Ambala, then the same shall be considered and decided, within a period of two months from today and strictly in accordance with law.

7. So far as the grant of ad-interim maintenance to respondent No.1-wife and her minor daughter of the age of 6 years is concerned, this Court is of the considered view that in order to advance the cause of substantial justice, whereby for more than 2 years the application for grant of interim maintenance was not decided by the learned Principal Judge, Family Court, Ambala and as an interim arrangement, Rs.10,000/- per month i.e. Rs.6,000/- per month to respondent No.1-wife and Rs.4,000/- per month to respondent No.2-minor daughter, who is of the age of 6 years has been granted for the purpose of



sustaining livelihood and for feeding the minor child, no illegality or perversity can be found with regard to the same. The present is a revision petition which has been filed and the scope of the revision petition is very limited.

8. Consequently, finding no merit in the present petition, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

31.01.2025
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No