



**CRM-M-4054-2024**

**208**

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

**CRM-M-4054-2024**

**Decided on : 29.04.2025**

Sahil Kawatra

. . . Petitioner

Versus

Sheena

. . . Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present : Mr. Yogesh Kumar Aneja, Advocate  
for the petitioner

Mr. Rahul Aggarwal, Advocate  
for the respondent

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**KIRTI SINGH, J. (Oral)**

Prayer in the present petition filed under Section 482 Cr.PC is for quashing of the impugned order dated 05.12.2023 (Annexure P-5) passed by the Sessions Judge Fazilka as well as order dated 23.12.2022 (Annexure P-3) passed by the Chief Judicial Magistrate, Fazilka whereby the application for seeking interim relief under the provision of Protection of Women from Domestic Violence Act in COMA/11/2022 date of institution on 25.02.2022 titled as *Shenna VS Sahil Kawatra & others*, filed by respondent has been allowed and the petitioner has been directed to pay Rs.10000/- monthly maintenance allowance in the account of the respondent before 10<sup>th</sup> day of every month.

2. Learned counsel for the petitioner submits that it is a case where the respondent had filed a petition under Section 12 of Protection of Women from Domestic Violence Act wherein under an application filed for grant of interim

**CRM-M-4054-2024**

maintenance was allowed vide impugned order dated 23.12.2022 passed by learned Chief Judicial Magistrate, Fazilka whereby the petitioner was ordered to pay ad-interim maintenance of Rs.10,000/- per month to the respondent. The said order was also challenged in appeal which was also dismissed. Aggrieved by the same, the present petition has been preferred.

3. Learned counsel for the petitioner submits that the learned Courts below have failed to consider that the business of the petitioner has totally been ruined and factory has been taken over by the bank. He further submits that the petitioner is doing job in private firm and getting salary from the tune of 40000/- out of which he is paying/bearing the expenses of his family and also paying the installments of loan. The documents placed on record regarding the income of the petitioner have also not been considered. He submits that the Courts below have also overlooked the fact that the respondent is a working lady and is earning handsomely by running a boutique, giving tuitions and thus is capable of maintaining herself. He further submits that the father of the petitioner had already expired and the petitioner is only the male member left to look after his family. He is bearing all expenses and also paying the loan installment of Rs 21928/- per month to the bank. It is also submitted that the respondent also filed a petition under Section 125 Cr.P.C. seeking maintenance, under which, vide order dated 03.10.2023, interim maintenance application of the respondent was allowed and the petitioner was directed to pay Rs. 6,000/- per month to the respondent.

4. Per contra, learned counsel for the respondent submits that petitioner is man of means. He is the owner of an oil mill from which he easily earns Rs.2,00,000/- per month. Apart from the same, he is also having 11 acres of agricultural land whereas the respondent is having no source of income. Thus,



**CRM-M-4054-2024**

the impugned order which has been passed warrants no interference.

5. Heard learned counsel for the parties and also gone through the case file.

6. This Court vide order dated 29.01.2024, passed the following order:-

*“Notice of motion for 28.05.2024.*

*Till further orders, the operation of the impugned order dated 23.12.2022 (Annexure P-3) is stayed subject to the following conditions:*

*(i) The petitioner shall clear the arrears of maintenance, within twelve weeks from today, at the rate of Rs.8,000/- per month to respondent-Sheena from the date of filing of petition before trial Court till today.*

*(ii) The petitioner shall continue to pay the monthly interim maintenance to respondent-Sheena at the rate of Rs.8,000/- per month by 7th of every month.*

*It is made clear that in case the petitioner does not abide by and fulfill the above said conditions, the interim order shall automatically stand vacated and the trial Court/executing Court shall essentially proceed further in accordance with law.”*

7. Pursuant thereto, an order dated 29.04.2024 was passed by Additional Chief Judicial Magistrate, Fazilka whereby it was noted that the wife had received the cheques as ordered by this Court, to be paid by the petitioner-husband.

8. In this regard, the respondent who appeared in person and her counsel have submitted that she has not received the maintenance as had been directed by this Court vide order dated 29.01.2024.

**CRM-M-4054-2024**

9. It was observed by this Court in its order dated 29.01.2024 that in case of non-compliance of the conditions specified in that order, the interim stay granted on the operation of the impugned order shall stand vacated and the trial Court/executing Court shall essentially proceed in accordance with law. Therefore, in view of the observation so made and given the factum of non-compliance, interim order stands vacated.

10. Proceeding to adjudicate the present petition, the relationship between the petitioner and respondent being husband and wife is an admitted fact. It is not denied by the petitioner that he is hale and hearty person and in the prime of his youth at 33 years of age as mentioned in the revision petition. As per the income affidavit of the petitioner furnished before learned trial Court, he has affirmed that he is earning an income of Rs. 40,000/- per month. As such, Rs. 10,000/- per month is the amount of interim maintenance that he has been ordered to pay by the petitioner to the respondent as interim monetary relief towards her maintenance, food, clothes and other basic necessity and for household expenses from the date of application at this stage.

11. The challenge in the present petition is to the interim orders passed by learned Courts below and in case it is found that the respondent-wife is earning, or getting maintenance allowance from the petitioner in any of other proceedings, then the same can be adjudicated at the time of final disposal of the main petition. However, for the purpose of interim maintenance, no perversity or illegality can be found in both the impugned orders dated 05.12.2023 and 23.12.2022 passed by the learned Sessions Judge, Fazilka and Chief Judicial Magistrate, Fazilka, respectively.

12. Consequently, finding no merit in the present petition, the same is



**CRM-M-4054-2024**

hereby dismissed and interim order dated 29.01.2024 stands vacated and the petition is dismissed.

13. However, the trial Court is directed to conclude the trial regarding final maintenance expeditiously.

**29.04.2025**

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**(KIRTI SINGH)  
JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No