

Present:- Shri H.S Sahni Adv, Counsel for Petitioner/ applicant.
Sh. Rahul Singh, Adv, Counsel for the respondent.

Heard on the application of the petitioner for interim maintenance from the respondent. The respondent contested the application by filing reply thereof. The relationship of husband and wife between the parties is admitted. The petitioner leveled allegations of maltreatment at the hands of the respondent whereas the respondent leveled counter allegations of misbehavior against the petitioner. The allegations and counter allegations of the petitioner and respondent cannot be looked into at this stage, which requires evidence to be proved. However, the fact remains that the petitioner is residing separately from the respondent and is not earning anything. The provision of section 125 Criminal Procedure Code was enacted to help the destitute ladies and as such, till the petition is finally decided, the petitioner cannot be left in lurch and is entitled for maintenance for her subsistence and look after herself.

Hence, without going into the merits of the case at this stage and keeping in view the paying capacity of the respondent, social status of the parties and without there being any document showing proof of income of the respondent, it is suffice to held that the respondent shall pay Rs. 5,000/- per month to the petitioner/ applicant from the date of filing the application. The said amount of Rs. 5,000/- per month to the petitioner/ applicant shall be paid by the respondent to the petitioner/ applicant with effect from the date of application. It is pertinent to mention here that a copy of application 24 of Maintenance Act decided by Ld. District and Sessions Judge Ms. Harpreet Kaur Randhawa has been placed on file in which the Ld. Court has also fixed the maintenance of petitioner to be Rs.5000/- per month. Hence, it is made clear that the petitioner will receive the maintenance amount in either of one courts only.

The respondent is at liberty to pay the said amount either by depositing in the bank account of the petitioner or by way of money order, cheque, demand draft or in the Court but is strictly prohibited by depositing the money in State Exchequer. To come upon 19.08.2019 for evidence of the petitioner and for payment of arrears of interim maintenance allowance.

Pronounced
23.07.2019.

(Vishavjyoti)
Judicial Magistrate First Class
Tarn Taran.UID PB0560