

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 3886/2026

CNR: RJHC010470312026

URN: CRLMP / 6948U / 2026

Rajkumar S/o Hanuman Prasad, Aged About 42 Years, Resident Of Dholipal District Hanumangarh. At Present 348 D-Block Sagar Setu Enclave, Bikaner.

-----Petitioner

Versus

Suman Devi W/o Rajkumar, D/o Aadram, Aged 39 Years, Resident Of Ward No. 13, Rawla Mandi, Tehsil Rawla District Sri Ganganagar.

-----Respondent

For Petitioner(s) : Mr. R.S. Choudhary
Mr. J.K. Suthar

For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

09/07/2026

Learned counsel for the petitioner submits that, in the present case, while deciding the proceedings under the Domestic Violence Act, the learned Trial Court, vide order dated 30.10.2025, directed the petitioner to pay maintenance at the rate of Rs. 4,000/- per month to the wife and Rs. 2,000/- per month to the child with effect from the date of filing of the application, i.e., 05.12.2013. He further submits that, under Section 19 of the Act, the petitioner was also directed to pay Rs. 4,000/- per month towards house rent.

He further contends that, so far as the payment of rent is concerned, there is no direction in the impugned order requiring

the same to be paid from the date of filing of the application. The direction to pay maintenance alone has been made operative from the date of the application. In the absence of any specific direction to the contrary, the amount towards rent is payable only from the date of the order and not retrospectively from the date of filing of the application.

Learned counsel further submits that, however, while deciding the execution application, the learned Trial Court, vide order dated 04.05.2026, held that the amount towards rent shall also be payable from the date of filing of the application. It is contended that the said direction is contrary to the earlier order dated 30.10.2025 passed by the learned Trial Court, which did not direct payment of rent from the date of the application.

This Court has considered the arguments raised by learned counsel for the petitioner and has perused the order dated 30.10.2025 as well as the order dated 04.05.2026 passed in the execution proceedings. A perusal of the order dated 30.10.2025 reveals that the learned Trial Court directed the petitioner to pay Rs. 4,000/- per month towards house rent under Section 19 of the Act. Thereafter, while dealing with the relief under Section 20 of the Act, the learned Trial Court directed payment of maintenance at the rate of Rs. 4,000/- per month to the wife and Rs. 2,000/- per month to the child from the date of filing of the application.

Upon a perusal of the order, prima facie the direction making the award operative from the date of the application pertains only

to the maintenance awarded under Section 20 and not to the amount payable towards rent under Section 19.

The matter requires consideration.

Issue notice to the sole respondent, returnable within six weeks.

As an interim measure, it is directed that, so far as the recovery of the amount towards house rent from the petitioner is concerned, the same shall be recoverable with effect from the order dated 30.10.2025 and not from the date of filing of the application, i.e., 05.12.2013.

However, the petitioner is directed to clear all the arrears of maintenance, within a period of two months from the date of this order and shall thereafter continue to pay the monthly maintenance regularly.

(BALJINDER SINGH SANDHU),J