

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

S.B. Criminal Misc(Pet.) No. 4694/2025

Neeraj Kumar S/o Rakesh Kumar, Aged About 39 Years, R/o
Naina Devi, Devki Dham, Near Shivam Hotel, Naankana Chowk,
Dist. Sangrur, Punjab

-----Petitioner

Versus

1. Neetika Sharma W/o Neeraj Kumar, Aged About 40 Years,
D/o Ramesh Kumar R/o H. No. 135, P-Block, Govindam
Hospital, Sriganganagar,raj.
2. Naina D/o Nikita, Aged About 10 Years, Through Natural
Guardian Mother Neetika Sharma W/o Neeraj Kumar D/o
Ramesh Kumar Age 40 R/o H. No. 135, P-Block,
Govindam Hospital, Sriganganagar,raj.

-----Respondents

For Petitioner(s)	:	Mr. Vivek Aggarwal
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. Hemant Ballani for complainant

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

02/07/2025

1. Drawing attention of the Court towards the impugned order dated 06.05.2025, learned counsel for the petitioner submitted that the learned Family Court No.1, Sri Ganganagar while passing the impugned order in case No.246/2024 (Nikita Sharma & Anr. Neeraj Kumar) failed to take into consideration the fact that the petitioner is a minimum wage worker and he is only earning Rs.7,000/- per month.
2. Learned counsel for the petitioner further submitted that the application seeking interim maintenance was filed by the respondents on 26.07.2024 which came to be allowed by the

learned Family Court after more than six months with a direction to pay the arrears of interim maintenance from the date of filing of the application. It was submitted that the petitioner is not in a position to pay the arrears of interim maintenance at once.

3. The matter requires consideration.

4. Issue notice to the respondent No.1 only. Rule is made returnable within a period of six weeks.

5. In the meanwhile and till the next date of hearing, the impugned order dated 06.05.2025 passed by the learned Family Court No.1, Sri Ganganagar in case No.246/2024 so far it pertains to payment of arrears of interim maintenance in favor of the respondent No.1 and 2 with effect from 26.07.2024 is concerned shall remain stayed. However, the petitioner shall continue to pay the monthly maintenance awarded by the Court below in favour of the respondent No.1 and 2 with effect from 01.07.2025.

6. It is made clear that in case the petitioner fails to make monthly payment of interim maintenance to respondent No.1 and 2 on or before 15th day of every month, then the present interim order passed by this Court shall stand vacated automatically.

(KULDEEP MATHUR),J