
(1992) 11 P&H CK 0028

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 3753-M of 1992

Kewal Krishan

APPELLANT

Vs

Sudarshana Kumari and Another

RESPONDENT

Date of Decision : 24-11-1992

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (1993) 1 DMC 292

Hon'ble Judges : S.K. Jain, J

Bench : Single Bench

Advocate : S.C. Chhabra, for the Appellant; S.C. Khunger, for the Respondent

Judgement

S.K. Jain, J.—Smt. Sudarshana Kumari wife and Yogesh minor son of Kewal Krishan instituted an application u/s 125 Cr.P.C. on July 24, 1986 against Kewal Krishan in the Court of Sub Divisional Judicial Magistrate, Fazilka, vide order dated 20th October, 1986 he granted ad-interim maintenance at the rate of Rs. 150/- per month to the wife. Kewal Krishan contested the petition filed against him on 4th November, 1986. The applicants closed their evidence on 22nd March, 1990. Kewal Krishan closed his defence on 24th July 1986. The learned Sub Divisional Judicial Magistrate, Fazilka, vide order dated 18th May, 1990 decided the application granting maintenance at the rate of Rs. 250/- p.m. to the wife and Rs. 200/- per month to the minor son of the parties from the date of the order. Feeling aggrieved, Sudarshana Kumari and Yogesh filed Criminal Revision No. 28 of 1990 whereas Kewal Krishan filed Criminal Revision No. 15 of 1990 against the said order. Shri Charanjit Jawa, Additional Sessions Judge, Ferozepur, vide his judgment dated October 14, 1991 decided the revision petition to the effect that the wife and the son were entitled to maintenance allowance at the rate of Rs. 200/- per month each from the date of application i.e. 24th July 1986. Kewal Krishan, has through this petition u/s 482 of the Code of Criminal Procedure sought the quashing of order of the Additional Sessions Judge, Annexure P-2 as also that of the Sub Divisional Judicial Magistrate

Annexure P-1 as also the application u/s 125 Cr.P.C. The petition was contested on behalf of the wife and the son.

2. When this case came up for bearing before me, better sense prevailed upon the parties and their learned Counsel have made following joint statement at the bar which has been recorded separately and signed by them -

"The order of Additional Sessions Judge, Ferozepur, Annexure P-2 be confirmed subject to the condition that the husband will be entitled to adjust the amount of ad-interim maintenance paid by him to the wife towards the payment of monthly maintenance at the rate of Rs. 200/- per month granted to her by the Court below."

3. In view of the above statement made by the learned Counsel for the parties, the order dated 14-10-1991, Annexure P-2 passed by learned Additional Sessions Judge, Ferozepur is confirmed but the husband will be entitled to adjust the amount of ad-interim maintenance actually paid by him to the wife towards the amount of monthly maintenance of Rs. 200/- granted to her by the Court below.

4. Petition disposed of accordingly.