

Civil Revision No. 2427 of 2009 -1- ***

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No. 2427 of 2009

Date of decision : 23.2.2010

Gian Chand

....Petitioner

Versus

Dilpreet Kaur ...Respondent CORAM : HON'BLE MR. JUSTICE S. D. ANAND

Present: Mr. G.P.S.Bal, Advocate for the petitioner S. D. ANAND, J.

It is apparent from the record that respondent-wife is in receipt of two items of maintenance, one out of which had been awarded in her favour in the course of proceedings under Section 125 Cr.P.C. and the other had been awarded in her favour in allowance of the proceedings under Section 24 of the Hindu Marriage Act. The learned counsel, appearing on behalf of the petitioner, states that the interest of justice would be served and the petitioner would be content if it is ordered that the amount awarded to the respondent-wife in the proceedings under Section 125 Cr.P.C. is ordered to be set off against the amount awarded in her favour (for self and the only child of the parties).

There is none on behalf of the respondent to resist the presentation aforementioned.

There can be no dispute with the proposition that a wife can avail of maintenance in the course of the proceedings under Section 125 Cr.P.C. or it can have the cake in terms of Section 24 of the Hindu Civil Revision No. 2427 of 2009 -2- ***

Marriage Act. There also can be no dispute with the proposition that the amount awarded in the course of either of the proceedings in favour of the wife has to be set off against the amount awarded to her in the other proceedings. There is no law which would entitle the wife to resist the indicated set off in the matter of maintenance awarded in her favour. In the present case, maintenance at the rate of Rs.1500/- has been awarded by the criminal Court in Court in favour of the respondent- wife and the only child of the parties,however, in the course of the divorce proceedings, the learned Trial Judge awarded maintenance pendent-lite at the rate of Rs.3,000/- per month to the respondent-wife. In the light of foregoing discussion, the petition shall stand disposed of with a direction that the amount awarded to the respondent- wife for self and only child of the parties shall be set off against the amount awarded in favour of the respondent-wife in the proceedings under Section 24 of the Hindu Marriage Act..

February 23, 2010 (S. D. ANAND) Pka JUDGE