

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Revision No.522 of 2025

Date of Decision: 18.3.2026

Manish Kumar and Anr.

.....Petitioners

Versus

Sangeeta and Anr.

.....Respondent

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioners: Mr. Mridul Thakur, Advocate.

For the Respondent: Mr. Saurav Rattan, Advocate.

Sandeep Sharma, J. *(Oral)*

Instant criminal revision petition, lays challenge to judgment dated 19.7.2025, passed by the learned Additional Sessions Judge, Paonta Sahib, District Sirmaur, Himachal Pradesh, in Case No. 52/10 of 2025, upholding order dated 4.2.2025, passed by the learned Additional Chief Judicial Magistrate Paonta Sahib, District Sirmaur, Himachal Pradesh, in Case No.1195/2022, whereby the learned trial Court while allowing the prayer of the petitioner for interim relief, directed petitioner No.1-husband to pay interim maintenance to the tune of Rs.10,000/- per month.

2. Since order laid challenge in the instant proceedings only decides issue of interim maintenance, if any, under Section 12 of the Domestic Violence Act (in short the "Act"), coupled with the fact that main petition filed under the aforesaid provision of law is still pending

adjudication in the competent court of law, this Court is not persuaded to interfere with the impugned order. Moreover, careful perusal of averments contained in the petition as well as other material adduced on record clearly reveals that factum of marriage inter-se petitioner No.1 and respondent No.1 is not in dispute and there is no denial that respondent No.2 is child born out of their wedlock. It is also borne from DIR that on account of matrimonial discord, respondent No.1 is compelled to live separately along with her daughter.

3. Otherwise also grouse of the petitioners as has been highlighted in the petition is that learned trial Court, while awarding interim maintenance has failed to take note of the fact that petitioner No.1-husband has no regular income, rather from a part time job, he is earning Rs. 10,000/- to 15,000/- per month, out of which he has to spend some money to take care of his mother and for paying monthly loan installments.

4. Since maintenance, if any, under Section 12 of the Act is yet to be awarded by the learned trial Court in totality of pleadings as well as evidence led on record by the respective parties coupled with the fact that order laid challenge in the instant proceedings has only decided interim compensation, this Court deems it fit to dispose of the present petition with direction to the learned trial Court to expeditiously decide the complaint under Section 12 of the Act having been filed by respondent No.1,

preferably within three months, but till then, respondent-wife would keep on getting interim maintenance awarded by the trial court, however same shall be adjusted in final amount, if any, becoming payable on account of final order passed on the complaint filed by the petitioner under Section 12 of the Act. Since petitioner-husband has not paid maintenance since 2022 as has been alleged by Mr. Saurav Rattan, learned counsel appearing for respondents, this Court hopes and trusts that court, before which execution proceedings are pending, would also make sincere efforts to conclude the proceedings, expeditiously, preferably within six weeks. To avoid further delay in the matter, learned counsel for the parties undertake to cause presence of their respective clients before the learned trial Court on **2.4.2026**, on which date, matter is otherwise posted before it, so that needful, as has been ordered through instant order, is done within the stipulated time. Interim order, if any, stands vacated. The petition is disposed of in the aforesaid terms along with pending applications, if any.

March 18, 2026

(manjit)

**(Sandeep Sharma),
Judge**