IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. Rev. (FC) No.37 of 2026

Decided on 29th October 2026

Ramandeep

…Petitioner

Vs.

Jyoti Devi and another

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

[1]Whether approved for reporting?

For the petitioner : Mr. Divya Raj Singh, Advocate.

For the respondents : Mr. Kuldeep Singh Chandel, Advocate

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has assailed order dated 10.03.2026, passed by the learned Court below, in terms whereof, interim maintenance has been ordered in favour of the respondent.

2. Learned counsel for the petitioner submitted that the reason why the petitioner has filed this petition is that at the time when the affidavit of assets and liabilities was filed by the petitioner before the learned Court below, he was serving in the Indian Army and he fairly disclosed his status qua his assets and liabilities, at the relevant time. He further submitted that the

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amount, as was determined by the learned Court below was also on the basis of the undertaking given by the petitioner, because, at the relevant time he was in a position to pay the said amount as maintenance. He submitted that, subsequently upon the complaints filed by the respondent, the petitioner has been discharged from the Army and, therefore, he is not in a position to pay the said amount.

3. This was strongly refuted to by the learned counsel for the respondents, who denied the contention of the learned counsel that the petitioner was discharged on the basis of the complaints filed by the respondent.

4. Be that as it may, in light of the peculiar facts of this case, we are of the considered view that, as the petition under Section 125 of the Cr.P.C. is still pending adjudication before the learned Court below, it would be in the interest of justice, in case, we do not make any observation on merit in the present proceedings as it may prejudice either the case of the petitioner or the respondent and dispose of the same with the direction to the learned Court below to make an endeavor to decide the main petition as expeditiously as possible.

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5. As this is agreed to by the learned counsel for the parties, therefore, without deciding this petition on merit, we dispose it off with the direction that the parties shall appear before the learned Court below on 13.11.2026 i.e., the date, which is already fixed in the case. Thereafter, not more than two opportunities will be granted by the learned Court below to both the parties to lead evidence. Parties shall render full cooperation to the learned Court below in order to decide the case expeditiously. The learned Court below is requested to make an endeavor to decide the case, if possible, before 31.01.2027.

6. At this stage, Mr. Kuldeep Singh Chandel, Advocate submits that there is a shortfall in the deposition of the amount by the petitioner with this Court, as he has only deposited an amount of Rs.49,000/-, in terms of the order passed by this Court. All that we can observe is that, if that is so, the respondents herein shall be at liberty to seek the execution of the order, in accordance with law.

7. At this stage, Mr. Divya Raj Thakur, Advocate, submits that the petitioner be given liberty to file a fresh affidavit

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qua his assets and liabilities. The petitioner shall be at liberty to move an appropriate application with appropriate prayer before the learned Court below, which application the learned Court below shall decide as per law.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

October 29, 2026
(Vinod)

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