

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 8994/2019

(Arising out of impugned final judgment and order dated 18-07-2019 in CRLR No. 4493/2018 passed by the High Court of Judicature at Allahabad)

SUBRAT KUMAR SEN

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.149871/2019-EXEMPTION FROM FILING O.T. and IA No.149872/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-10-2019 This petition was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH**

**For Petitioner(s) Mr. Anand Varma, AOR
Ms. Vanshika Gupta, Adv.
Mr. Shwetank Singh, Adv.
Ms. Dhairya Madan, Adv.**

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R**

Application for exemption from filing official translation is allowed and permission is granted to file additional documents/facts/annexures.

Learned counsel for the petitioner contends that the findings in the proceeding under Section 9 of the Hindu Marriage Act, 1955 are that the respondent-wife is staying away from the matrimonial home without any sufficient reason. This order has been passed on 12th

April, 2019 post the order passed by the Family Court in proceedings under Section 125 Cr.P.C. where the petitioner has been held liable to pay for Rs.20,000/- (Rupees twenty thousand) per month as maintenance. Learned counsel has drawn our attention to Sub-section 4 of Section 125 of Cr.P.C. to contend that there is no liability of the petitioner to pay maintenance in case wife is staying away without any sufficient reason.

We are faced with the scenario where there are conflicting views taken by the courts in proceedings under Section 125 Cr.P.C. and under Section 9 of the Hindu Marriage Act and the impugned order of the High Court in the Revision Petition does not really add to the discussion.

Issue notice.

In the meantime, the petitioner is directed to pay maintenance to the respondent-wife @ Rs.10,000/- (Rupees ten thousand) per month. Direction for the balance amount is stayed.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER