**IN THE COURT OF PRINCIPAL FAMILY JUDGE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

**IN THE MATTER OF:**

MR. H\_\_\_\_\_\_\_\_\_                                                            **APPLICANT**

**VERSUS**

MRS. W \_\_\_\_\_\_\_\_\_\_                                                    **RESPONDENT**

**APPLICATION UNDER SECTION 127(1) FOR MODIFYING / SETTING ASIDE THE ORDER DATED \_\_\_\_\_\_\_\_\_\_\_\_\_**

**MOST RESPECTFULLY SHOWETH:**

The Applicant, above named submits as under:

1. That the Applicant is Husband of the Respondent.

2. That marriage of the Petitioner was solemnized with Respondent on \_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_ according to Hindu rites and ceremonies. The marriage was registered with the Registrar of marriages at \_\_\_\_\_\_\_\_\_\_\_.

2. That the and the Respondent have been living separately since \_\_\_\_\_\_\_\_\_\_\_.

3. That the Respondent had filed Case No\_\_\_\_\_\_\_\_\_\_ of 20\_\_\_ under Section 125 CrPC in the Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. That the Hon'ble Court was pleased to grant an interim maintenance of Rs. \_\_\_\_\_\_\_\_\_\_ vide order dated \_\_\_\_\_\_\_\_\_\_ in favour of Respondent in the effect of monthly maintenance. Copy of order dated \_\_\_\_ passed by the Hon'ble Court of \_\_\_\_\_\_ attached herewith and marked as **Annexure P1**.

5. That the Applicant has been paying the interim maintenance to the Respondent and has been abiding with order of this court.

6. That the Applicant submits that with the reference arrears, the sum has been paid in 4 installments. Proof for payment of arrears is attached herewith and marked as **Annexure P2.**

7. That the Applicant has a pre-existing liability of Home Loan from (\_\_\_\_\_\_Bank) for a contingent property in New Delhi at (\_\_\_\_\_\_\_ Address), prior to the marriage. Copy of the loan installment schedule is attached herewith and marked as **Annexure P2.**

8. That the Applicant now has lost job and is searching for a suitable job for lost 3 months. That petitioner is under deep mental and financial stress due to this sudden and unfortunate turn of events.

9. That the material change in circumstances has occurred which give the justification and ground for filing the present application and in these circumstances, principle of natural justice, equity, good conscience, fair trial and fair play in action demand that the material facts should be considered and appreciated while adjudicating upon the application for interim maintenance u/s 125(3) of CrPC to meet the end of justice and the order dated \_\_\_\_\_\_\_\_\_ may be varied, modified and reversed.

10. That the respondent has got a job with \_\_\_\_\_\_\_ as \_\_\_\_\_\_\_\_\_\_3 months back and she is getting a salary of Rs. \_\_\_\_\_\_\_\_\_\_. Proof of employment of Respondent is attached herewith and marked as **Annexure P2**.

11. That the Applicant is finding it extremely difficult to make both his ends meet since he now has huge burden of liability which needs to remitted to the financial institutions and also to the respondent and it is a double burden for him, apart from managing his own financial liability.

12. That the Applicant submits that he is ready to pay the amount of maintenance as would be calculated and decided as a result of the arguments for interim maintenance and craves a stay on the interim order which was passed in favor of the respondent.

13. That the payment of interim maintenance would lead the petitioner to face grave injustice and financial hardships since he would be under a double burden to pay to the financial institutions and to the respondent.

14. That the continuation of order dated \_\_\_\_\_ may cause grave prejudice to the interest of petitioner.

15. In the facts and circumstances of case mentioned herein above this Hon'ble Court may graciously be pleased to:

**P R A Y E R**

That the Petitioner, therefore, prays:

a) this Hon'ble court may be pleased to varied, modify, quash and set aside the order dated \_\_\_\_\_ and stay the operation of the order dated \_\_\_\_\_\_ till the final disposal of the application on merits.; and

b) Any other relief or reliefs which the court may deem proper under the circumstances be also awarded to the petitioner.

**APPLICANT**

**THROUGH**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_., Advocate

Place :

Date :

**VERIFICATION**

I, H, the Applicant, state on solemn affirmation that whatever contained in paragraphs \_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ of the Petition is true to my own knowledge and that whatever contained in paragraphs No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ is based on information received and believed to be true to me.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_

**PETITIONER**

**Format of affidavit to be filed in Support of Application under Section 127(1) of CrPC**

**IN THE COURT OF PRINCIPAL FAMILY JUDGE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

**IN THE MATTER OF:**

MR. H\_\_\_\_\_\_\_\_\_                                                            **PETITIONER**

**VERSUS**

MRS. W \_\_\_\_\_\_\_\_\_\_                                                    **RESPONDENT**

**AFFIDAVIT**

I, Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_\_\_\_\_\_ years, Occupation \_\_\_\_\_\_\_ the Petitioner do solemnly affirm and say as follows:

1. That I am the Applicant in the accompanying Application under Section 127(1) of CrPC and well acquainted with the facts of the case.

2. That I have gone through the contents of the accompanying Application, I reaffirm the contents of the Petition, which are not being repeated here, for the sake of brevity.

3. That the Applicant now has lost job and is searching for a suitable job for lost 3 months. That petitioner is under deep mental and financial stress due to this sudden and unfortunate turn of events.

4. That the respondent has got a job with \_\_\_\_\_\_\_ as \_\_\_\_\_\_\_\_\_\_3 months back and she is getting a salary of Rs. \_\_\_\_\_\_\_\_\_\_.

Signed at \_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_20\_\_

**DEPONENT**

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_ the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated therein.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

**DEPONENT**