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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.5771 of 2015
Date of Decision: 04.09.2015**

BALBIR SINGH

.....Petitioner

Vs

HARJIT KAUR

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

[1]. Husband-petitioner seeks maintenance from alleged second wife on the ground of his surrendering drug licence at the asking of respondent for the purpose of living with her at Malerkotla.

[2]. Respondent has denied the factum of marriage, rather claims that her maruti car has already been usurped by the petitioner and a complaint to this effect was made to the Police also.

[3]. Now the petitioner is having eye on the property of the respondent who is a Teacher having residential house in Malerkotla. Some of the gold ornaments have already been taken away by the petitioner.

[4]. Trial Court dismissed the application under Section 24 of

the Hindu Marriage Act by observing that marriage is yet to be proved by leading evidence. Mere living together for sometime does not give any inference of valid marriage. Even if the petitioner has surrendered drug licence, that in itself does not advance the claim for maintenance. Petitioner being able bodied person can earn his livelihood. Respondent has also claimed that the petitioner is earning Rs.30,000/- per month from his employment in Mukand Milk Dairy.

[5]. I have considered the submission made by learned counsel for the petitioner.

[6]. *Prima facie* findings recorded by the trial Court, at this stage, cannot be presumed to be without any basis. Petitioner has no such disability to earn. He being able bodied person can earn his livelihood. *Prima facie*, petitioner is not entitled to seek maintenance from his alleged wife under Section 24 of the Hindu Marriage Act, particularly when the respondent has denied the factum of alleged marriage.

[7]. No ground to interfere is made out.

[8]. Petition stands dismissed.

Sept. 04, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE