

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6534 of 2015 (O/M)
Date of decision : 5.10.2015

Shivam Chauhan

..... Revisionist

Versus

Suman and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gulzar Mohd., Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Challenged in the present revision is the order dated 2.9.2015 (Annexure-P-10), passed by the learned Additional District Judge, Jalandhar, vide which pending the petition under Sections 11 and 12 of the Hindu Marriage Act, 1955, for declaring the marriage null and void, the interim maintenance at the rate of Rs. 3,000/- per month has been allowed to the wife and Rs. 1,500/- per month each to minor children (applicants No. 2 and 3).

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

Learned counsel for the revisionist has argued that at the

CR No. 6534 of 2015 (O/M)

-2-

time of marriage, the respondent was already married with one Rakesh Kumar. Moreover, the revisionist was minor at that time. Therefore, the marriage is null and void. He also claims that applicants No. 2 and 3 were born within 5 ½ months of the marriage. He has also denied the relationship with the said children.

Under Section 112 of the Indian Evidence Act, 1872, the presumption is in favour of the legitimacy, if the children are born during marriage. The present revisionist is yet to prove that the children were not born within the wedlock with Suman (respondent No. 1 herein). The factum of the subsistence of first marriage is also yet to be proved. The lower Court has granted the reasonable maintenance. There is no ground to interfere in the order of granting interim maintenance.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

5.10.2015
sjks