

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

CRM-M No.26119 of 2014

Date of Decision: 31.08.2015

Chinta Devi & another . . . Petitioners

Versus

Jai Ram Singh . . . Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Liaqat Ali, Advocate
for the petitioners.

Mr. Vaibhav Sehgal, Advocate
for the respondent.

JASWANT SINGH, J. (Oral)

Chinta Devi had two children including petitioner No.2 Amit Kumar from her previous marriage with Joginder Verma. The legally wedded wife of Jai Ram Singh died after giving birth to four daughters from the loins of Jai Ram Singh.

The petitioner No.1 Chinta Devi alleged to have performed her second marriage with Jai Ram Singh, who has denied the fact of marriage, although from the documents produced on record in the proceedings initiated by the petitioner under Section 125 Cr.P.C. for maintenance they are living together prima-facie appears to be established.

The dispute raised here is regarding the interim maintenance awarded to petitioner Chinta Devi during the pendency of proceedings under Section 125 Cr.P.C. Learned Judicial Magistrate Ist Class, Ludhiana, vide order dated 04.01.2014 (Annexure P-1) awarded a sum of ₹1500/- per month to Chinta Devi and ₹500/- per month to her son Amit Kumar.

Both the parties filed revisions and the learned Additional Sessions Judge, Ludhiana, vide order dated 02.07.2014, partly allowed the revision of Jai Ram Singh whereby the claim of Amit Kumar for interim maintenance was declined on the ground that he was a child born from the previous husband of Chinta Devi. The prayer for enhancement on behalf of Chinta Devi was allowed and maintenance @ ₹3000/- per month from the date of the order was awarded, keeping in view the salary slip of Jai Ram Singh, employed as a Gardener on regular basis with Municipal Corporation, Ludhiana. Hence, the present revision seeking further enhancement on behalf of Chinta Devi and claim for Amit Kumar, her son, which was declined by the lower revisional Court.

After hearing learned counsel for the parties, the present petition is partly allowed to the extent that the claim of Chinta Devi @ ₹3000/- per month has to be acknowledged from the date of the application and not date of the order in view of the settled principle of law on the issue, however, for the period the main petition along with application for interim maintenance stood dismissed as is liable to be excluded for such calculation. The rate

of ₹3000/- as interim maintenance cannot be accepted on the lower side since the respondent Jai Ram Singh has to maintain four minor daughters from his previous marriage. Still further, same is only interim maintenance for the final adjudication of the main petition under Section 125 Cr.P.C. As regards separate claim of Amit Kumar, the same concededly is not maintainable.

Learned trial Court would calculate the arrears to be paid in view of the above and would permit Jai Ram Singh to pay such arrears by way of installments as learned trial Court would determine.

Petition stands partly allowed in the above terms.

[JASWANT SINGH]
JUDGE

31.08.2015
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