

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

Date of decision:27.08.2015.

Ramesh Kumar

.....Petitioner

v.

Anita

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Chanderhas Yadav, Advocate for the petitioner

Jaswant Singh,J.(Oral)

Petitioner-husband has invoked the jurisdiction of this Court under Section 482 Cr.PC seeking quashing of the order dated 10.7.2012 (P-7) passed by learned JMIC, Chandigarh whereby interim maintenance @ Rs.1500/- to respondent wife and Rs.1000/- to minor daughter in the pending proceedings under Section 125 Cr.PC have been awarded; further challenge is to the judgment dated 13.2.2015(P-8) passed by learned Additional Sessions Judge, Chandigarh whereby revision against P-7 has been dismissed and the rate of interim maintenance upheld.

After hearing learned counsel for the petitioner at length this Court is not inclined to interfere with the impugned orders.

Admittedly the petitioner and respondent were married on 21.11.2002 and a girl child was born in the year 2005. The parties were

stated to be residing separately since 2005 and ultimately a divorce was granted on the petition by the wife on 2.6.2007 (P-1). It is not in dispute that the ex-wife has still not re-married and therefore, entitled to maintain her petition for maintenance from her ex-husband under Section 125 Cr.PC. Both the Courts have rightly granted maintenance at the said rate which in any case is subject to adjustment on evaluation of evidence and conclusion of proceedings. Therefore, the awarded maintenance cannot be held to be arbitrary at this stage.

Dismissed.

27.08.2015.
joshi

(Jaswant Singh)
Judge