

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

(116)

CRM-M-40713-2015

Decided on: December 02, 2015.

Rajinder Kumar

.... Petitioner

Versus

Indu Bala and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.K. Bhatti, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The order passed by the learned Magistrate granting interim maintenance under Section 125 Cr.P.C, has been challenged inter alia on the ground that the wife was already married to one Ramesh Kumar and had not obtained divorce as such the marriage being nullity, the wife cannot be granted any interim maintenance.

During course of arguments, it transpires that out of the relationship of the petitioner and respondent, a child was also born.

In those circumstances, the marriage being void or voidable and the child being legitimate or illegitimate would be a serious controversy which would be required to be settled on the basis of appreciation of evidence produced by both the parties. The grant of interim maintenance @ Rs.3,500/- per month is an interim arrangement subject to final decision. It will be open to the petitioner to establish the disentitlement of the respondent by leading evidence.

No ground is made out for interference in the order of interim maintenance.

It is made clear that order of interim maintenance will be subject to the final decision rendered on appreciation of evidence while deciding the petition under Section 125 Cr.P.C.

(M.M.S. BEDI)
JUDGE

December 02, 2015
harsha