

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-5385-2015

Date of decision : 19.02.2015

Surinder Singh

... Petitioner

Versus

Rita

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Amandeep Singh, Advocate
for the petitioner.

REKHA MITTAL, J.(ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.) for quashing order dated 18.10.2011 passed by the Additional Sessions Judge, Patiala whereby the revision petition preferred by the petitioner against order dated 06.04.2011 passed by the Sub Divisional Judicial Magistrate, Nabha allowing interim maintenance @ Rs.1500/- per month in favour of the respondent-wife has been dismissed.

Counsel for the petitioner has submitted that as the respondent is staying away from company of the petitioner according to her free will, she has rendered herself ineligible to get maintenance from her husband. In support of his contention, he has referred to judgment of this Court ***Saroj Bala @ Geeta Vs. Ashok Kumar Kalyan, 2013 (2) RCR 158.***

The present petition has been preferred by the petitioner after about 4 years of passing of impugned order dated 18.10.2011 whereby the

order passed by the trial Magistrate allowing interim maintenance to the wife @ Rs.1500/- per month has been affirmed. Though there is no limitation for filing the petition under Section 482 Cr.P.C. but nobody is at liberty to take recourse to inherent jurisdiction of this Court after an inordinate delay of number of years. This apart, it is a question of fact to be decided on the basis of evidence to be adduced by the parties, if the respondent-wife is a guilty spouse and therefore, is not entitled to get maintenance from her husband.

In view of what has been discussed hereinabove, the petition stands disposed of without prejudice to rights of the petitioner to raise all available pleas before the trial Court.

(REKHA MITTAL)
JUDGE

February 19, 2015.

DK