

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

**Crl. Revision No. 2810 of 2014 (O&M)  
Date of decision: 14.01.2015**

**Bhupinderpal Singh and others**

**...Petitioners**

**versus**

**Mandeep Kaur**

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. J.S. Thind, Advocate,  
for the petitioners.

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**RITU BAHRI, J.**

**Crl. Misc. No.27636 of 2014**

For the reasons mentioned in the application, same is allowed and delay of 142 days in filing the petition is condoned.

**Crl. Revision No. 2810 of 2014**

Challenge in this petition is to the order dated 04.01.2014 passed by the Additional Sessions Judge, Faridkot, whereby he has set aside the order dated 02.05.2012 passed by the Judicial Magistrate, Ist Class, Faridkot and awarded maintenance to the tune of Rs.16,000/- per month ( Rs.8,000/- each) to the children of petitioner No.1 and respondent.

Marriage of Bhupinderpal Singh-petitioner No.1 was solemnized with Dr. Mandeep Kaur-respondent on 05.03.1995. Out of this wedlock, two children namely Aashmeen Kaur and Shehbazz Singh were born. As per the allegations of respondent-wife, the behaviour of her husband became aggressive and harsh and he started demanding Skoda car from her family members. She was maltreated and given beatings on account of less dowry.

A divorce petition, filed by Bhupinder Pal Singh, was pending before a Court at Chandigarh. FIR No.13 dated 27.01.2011 was also registered against the petitioners at Police Station, City Faridkot. Petitioner No.1 also tried to take forcible possession of a plot of respondent-wife, which was situated at Ludhiana. Thereafter, FIR No. 85 dated 22.05.2011 was registered to prevent petitioner No.1-husband from taking forcible possession of the said plot. Complainant-respondent along with her two minor children was residing at the top floor of the shared house and her husband-petitioner No.1 refused to maintain them, even though he is employed as a doctor. Consequently, during the pendency of application under Sections 12, 17, 18, 19, 20, 21, 22 read with Section 23 of the Protection of women from Domestic Violence Act, respondent-wife filed an application for obtaining the custody of the children, accommodation in the shared house and maintenance.

The trial Court, after going through the facts and circumstances of the case, came to a conclusion that the house in question did not belong to the husband of respondent-Dr. Mandeep Kaur, but the same belonged to her in-laws i.e. Harjit Singh and Ranjit Kaur (petitioner Nos. 2 and 3 herein). Therefore, her claim for accommodation as well as relief regarding restraining the petitioners from alienating the said property, was rejected vide order dated 02.05.2012. While rejecting her application, a direction was given to petitioner No.1-husband to provide rented accommodation to his wife and children.

In revision, the Additional Sessions Judge, Faridkot, while setting aside the aforesaid order, did not interfere with the direction given by the trial Court to provide rented accommodation, however, proceeded to consider the relief of maintenance. Ultimately, a direction was given to

petitioner No.1-husband to make payment of maintenance for a sum of Rs.16,000/- per month (Rs.8,000/- each) to both the children. Hence, this petition.

It is not the case of the petitioners that the children are not entitled for interim maintenance. Vide impugned order, it is only the interim maintenance, which was granted to the minor children. During the pendency of the main application, the petitioners can raise the plea of defence with regard to earning capacity and salary of petitioner No.1.

Accordingly, while exercising the revisional jurisdiction, this Court is of the view that the impugned order does not require any interference.

Dismissed.

**(RITU BAHRI)**  
**JUDGE**

14.01.2015  
ajp