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

CRR (F) No.142 of 2015

Date of decision: December 15, 2015

Kuldeep Kaur

.....Petitioner

Versus

Subedar Karnail Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. O.P. Gupta, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 14.05.2015, whereby, application moved by the petitioner under Section 125 of Code of Criminal Procedure, 1973 ('Cr. P.C.' for short), was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner was married to the respondent on 27.05.1979. Parties were blessed with two sons and one daughter out of the said wedlock. Petitioner filed a petition under Section 125 Cr. P.C. against the respondent seeking maintenance.

Trial Court while dismissing the petition has noticed that the petitioner is already getting maintenance to the tune of ₹3,000/- per month in proceedings under Section 24 of the Hindu Marriage Act, 1955. It has further been noticed by the trial Court that the respondent had executed a sale-deed in

favour of the petitioner qua land measuring 5 Kanal 4 Marlas but the same had been sold by the petitioner vide sale-deed dated 25.06.2013. Parties are residing separately since June 2005. It has further been noticed by the trial Court that the petitioner in her cross-examination had admitted that her one son had expired and she had not attended his cremation or other last rite ceremonies. Petitioner had also not attended to her second son at the time of amputation of his leg.

In the facts and circumstances of the present case, the learned trial Court rightly held that the petitioner was not entitled to claim maintenance under Section 125 Cr. P.C.

No ground for interference is made out.

Dismissed.

(SABINA)
JUDGE

December 15, 2015
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