

In the High Court of Punjab and Haryana at Chandigarh.

CRR(F)-279-2015

Date of Decision:15.10.2015

Charanjit Singh

...Petitioner

Versus

Jaswinder Kaur and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Bhupinder Kaur, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 02.09.2015.

Learned counsel for the petitioner has submitted that in fact respondent No.1 was living in adultery and was not entitled to receive maintenance from the petitioner. Learned counsel has further submitted that the respondent No.1 was running a beauty parlour and was capable of maintaining herself.

Provision under Section 125 has been incorporated in Criminal Procedure Code 1973 with a view to provide speedy maintenance to the deserted wives and children. The provision has a social object to achieve. The provision is remedial and rather than punitive.

In the present case, petitioner got married to

respondent No.1 on 06.10.2000. Respondent No.2 was born out of the said wedlock. Case of the respondent No.1 was that she had been turned out of the matrimonial home by the petitioner on 16.02.2009. It was further the case of respondent No.1 that petitioner was running a grocery shop and STD shop and was earning at least ₹40,000/- per month.

Case of the petitioner, on the other hand was that respondent No.1 was living in adultery and was having illicit relations with Satnam Singh Mander. Respondent No.1 was running a beauty parlour and was capable of maintaining herself and the minor child.

In support of their respective pleas, parties led their evidence. The trial Court while deciding the amount of maintenance liable to be paid to the respondents has taken into consideration that respondent No.1 was a trained beautician and was earning ₹3,500/- per month. It has further been noticed by the trial Court that, although, there was no documentary evidence on record to establish that the petitioner was earning ₹40,000/- per month but the petitioner had admitted in his pleadings that he was working as a casual labourer. Keeping in view the facts and circumstances of the case, the trial Court held that respondent No.1 was entitled to receive ₹3,000/- per month by way of maintenance from the petitioner and respondent No.2 was also entitled to receive ₹3,000/- per month by way of maintenance. The said amount

was ordered to be shared by respondent No.1 and the petitioner to the extent of 50% each. The amount of maintenance granted by the trial Court cannot be said to be on a higher side in these days of high prices.

Annexure P-6 is the copy of the report submitted by the police on an application moved by respondent No.1 qua harassment. A perusal of the said report also reveals that the petitioner was ready to pay ₹2,500/- to his wife. Petitioner had filed a petition under Section 13 of the Hindu Marriage Act, 1955 seeking divorce. Copy of the order passed in the said petition dated 27.08.2012 (Annexure P-4) reveals that the said petition was dismissed under order 17 Rule 2 C.P.C. as the petitioner had failed to make the payment of maintenance or conclude his evidence. Copy of the divorce petition has been placed on record as Annexure P-3. Perusal of the same reveals that the petitioner had sought divorce on the ground of adultery. However, the divorce petition filed by the petitioner was dismissed. Hence, the plea taken by the petitioner that the respondent No.1 was living in adultery was not established by the petitioner.

In the facts and circumstances of the present case, no ground for interference, is made out.

Dismissed.

October 15, 2015
kapil

(SABINA)
JUDGE