

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

Civil Revision No.5867 of 2016 (O&M)

Date of decision : 18.10.2016

Amrinderdeep Singh Cheema

.....Petitioner

Versus

Simarjit Kaur Gill

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Harwinder Singh, Advocate for
 Mr. A.S. Jattana, Advocate for petitioner.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 04.08.2016 passed by the learned Additional District Judge, Patiala vide which the application filed by respondent-wife under Section 24 of the Hindu Marriage Act, 1955 (for short the 'Act') for grant of maintenance pendente lite has been allowed.

2. Learned counsel for the petitioner-husband contended that the respondent-wife is living in Canada and is having the handsome income which is sufficient for her maintenance. He further contended that the application for grant of maintenance pendente lite has been filed by the respondent-wife through her father, but the learned Additional Sessions Judge has categorically held in the judgment dated 02.04.2016 that her father had no valid power of attorney in his favour executed by respondent-

wife. Thus, he contended that the application on behalf of her father is not maintainable.

3. He further contended that respondent-wife is not entitled for the maintenance pendente lite as she and her family members had assaulted the petitioner and are facing criminal trial in the complaint case filed by the petitioner-husband.

4. I have duly considered the aforesaid contentions.

5. This fact is not disputed that the marriage of the parties was solemnized on 02.04.2014 at Shahbad according to Sikh rites by performance of 'Anand Karaj' ceremony. It is also not disputed that petitioner-husband has filed the petition under Section 12 of the Act for the annulment of the marriage on the ground that respondent-wife was already married and her marriage with the petitioner was not a valid marriage. This plea raised by the petitioner is yet to be decided by the learned trial Court at the appropriate stage on appreciation of the evidence.

6. The petitioner-husband has not produced any authentic record to show that respondent Simarjit Kaur Gill is suitably employed in Canada getting sufficient income to maintain herself. On the other hand, it has been categorically pleaded by the respondent-wife that the petitioner owns agricultural land as well as a commercial site which has been let out to the State Bank of Patiala on rent. Meaning thereby the petitioner has the handsome income. So, he is legally bound to maintain the respondent his wife.

7. The perusal of the judgment dated 02.04.2016 passed by the learned Additional Sessions Judge, Patiala in criminal revision No.100/9.3.2016 titled as Jasbir Kaur Gill and others Vs. Amrinder Deep Singh Cheema shows that the said revision petition was filed by the respondent-wife through her father Harbans Singh Gill, but no general power of attorney or special power of attorney authorizing him to file the revision petition was brought on record, so that observation is only confined to the criminal revision as during the proceedings of that case the copy of general power of attorney or special power of attorney was not brought on record. No conclusive finding has been given in that judgment by the learned Additional Sessions Judge that the father of the respondent is not her attorney.

8. The allegations that the petitioner-husband was caused injuries by the respondent-wife and her family members are yet to be established in the criminal trial so that is not a ground to decline the maintenance pendente lite to the respondent-wife who has no sufficient income/means to maintain herself.

9. The learned trial Court has awarded the maintenance pendente lite to the respondent-wife only at the rate of ₹3000/- per month which cannot be stated to be unreasonable or unjustified.

10. Thus, keeping in view my aforesaid discussion, the impugned order passed by learned trial Court does not suffer from any legal infirmity to invite any interference by this Court.

11. Resultantly, the present revision petition is without any merit and the same is hereby dismissed.

18.10.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No