

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

CR No.7005 of 2016 (O&M)

Date of decision:20.10.2016

Gurwinder Singh

... Petitioner

Vs.

Jagjit Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. B.S.Jaswal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-husband is aggrieved of the impugned order dated 19.09.2016 (Annexure P-5), whereby, ad interim maintenance @ ₹10,000/- per month has been ordered in a petition seeking divorce on the ground of cruelty and adultery.

Mr. B.S.Jaswal, learned counsel appearing on behalf of the petitioner-husband submits that respondent-wife had registered an FIR under Sections 406 and 498-A IPC against the petitioner and his family members. The police has submitted a cancellation report by relying upon the video clipping recording in CD regarding prima facie indulgence of wife in illicit relationship and therefore, once the wife has been found to be in illicit relationship with another person and as well as, in view of the judgment rendered by the Hon'ble Division Bench of this Court in **Rajni Goyal vs. Amit Kumar 2015 (2) RCR (Civi) 871**, no other specific evidence was

required to be proved by the petitioner-husband for proving his charge of adultery against his wife, therefore, she is not entitled to ad interim maintenance.

I have heard learned counsel for the petitioner and appraised the paper book.

It is settled law that the findings of the Criminal Court are not binding upon the Civil Court. The aforementioned CD is yet to be proved. There is no illegality and perversity in the impugned order as indicated above. Once the salary of the petitioner is admitted, in my view, the ad interim maintenance granted by the Court below is not phenomenal.

No ground is made out for interference in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

October 20, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No