

Crl. Misc No. M-5538 of 2015

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

**Crl. Misc No. M-5538 of 2015
Date of decision : 10.11.2016**

Manjit Singh

....Petitioner

versus

Kamaldeep Kaur and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Rajan Bansal, Advocate
for the respondent

RITU BAHRI, J.

Prayer in this petition is for setting aside order dated 14.01.2013 (P-1) passed by learned JMIC Faridkot and order dated 31.10.2014 (P-2) passed by learned ASJ Faridkot whereby both the Courts below had granted the maintenance to the respondents.

Brief facts of the case are that petitioner solemnized marriage with respondent No. 1 on 17.11.1996 at Village Doad, as per Sikh Rites. Two children were born from this wedlock. Respondent No. 1 left the house in the year 2000 along with children. The petitioner done lot of efforts and respondent No. 1 returned back along with children. However, in the year 2004, she again left the house without any reason and did not return back. She again came back to the house of the petitioner ill treated with the

petitioner and his family She again left the house in the year 2008. Thereafter, a compromise was effected between the parties to the effect that petitioner will take respondent No. 1 along with children to his house. But father and brother of respondent No. 1 started quarreling with the petitioner and gave injuries to him, to which he was admitted in Civil Hospital, Bajakhana. When the police did not take any action, petitioner filed criminal complaint against them under Sections 307/324/323/341/383/34 IPC.

Thereafter, respondent No. 1 filed an application under Section 125 Cr.P.C for grant of maintenance and the Court below vide impugned order dated 14.01.2013 granted the maintenance to respondent No. 1 of Rs.3000/- per month and Rs.2000/- per month to respondent Nos. 2 and 3 by observing that the petitioner has agricultural land of Rs.2.5 lacs to Rs.3 lacs per annum from the joint property measuring 8 acres 6.5 kanals of land.

The revision petition was filed by the respondents against the above said order for enhancement of compensation and vide order dated 31.10.2014, the learned Sessions Judge, Faridkot enhanced compensation from Rs.3000/- to Rs.5000/- to the wife and from Rs.2000/- to Rs.3500/- to respondent Nos. 2 and 3/children.

Learned counsel contends that the petitioner is totally dependent at the income from his agricultural land and is owner in possession of the land measuring approximately 4.5 acres and there is no other source of income. Learned counsel submits that the petitioner is ready to take care of his children. Further respondent No. 1 had left the company of the petitioner without any reasons and petitioner tried several times to

bring her back.

Learned counsel further submits that it was a simple marriage and respondent No. 1 had taken all the gold ornaments while leaving the house. Further a plot was purchased jointly in the name of respondent No. 1 and the petitioner. Learned counsel admits that a compromise was effected between the parties but a scuffle took place on 30.10.2009 between the petitioner and father and brother of respondent No. 1 in which both the sides received injuries.

Learned counsel for the respondent on the other hand submits that the petitioner was a habitual drunker and therefore, when respondent No. 1 failed to fulfill the illegal demands of the petitioner with regard to transfer of her share out of the agricultural land owned by her parents in his name, he used to beat respondent No. 1. Further petitioner owns about 15 acres of land in village Bangi Nihal Singh wala as well as JVC cranes. He is a property dealer and earns about Rs.1 lacs per month.

Heard learned counsel for the parties.

It is not disputed that the father of the petitioner died on 01.07.2009 and thus, the petitioner inherited land of his father and there was no specific denial relating to this fact as this was apparent from the jamabandis placed on record by respondent No. 1. Petitioner did not step in to the witness box.

Thus, taking the income from this land, the order dated 14.01.2013 (P-1) passed by learned JMFC Faridkot and order dated 31.10.2014 (P-2) passed by learned ASJ Faridkot does not require any

interference.

The revision petition stands dismissed.

10.11.2016
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>