

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

CRR(F) No. 335 of 2015

Date of decision :26.08.2016

Sanjay Kumar Karan

..... Petitioner

Versus

Sulekha and others

.....Respondents

CORAM : HON'BLE MS.JUSTICE RITU BAHRI

Present: Mr.Akashdeep Singh, Advocate for the petitioner.
Mr.Deepak Girotra, Advocate for respondent No.2.

RITU BAHRI, J. (Oral)

The petitioner has come up in revision against the order dated 11.09.2015 whereby in a petition under Section 125 Cr.P.C. maintenance has been awarded to the respondent-wife and two minor children. The proceedings under Section 125 Cr.P.C. are summary in nature and after notice was issued the respondent filed his affidavit.

The marriage of respondent No.1 was solemnised with the petitioner No.1 on 13.12.2002 according to Hindu rites and ceremonies at Bhagalpur (Bihar) where the parents of the girl were residing. At that time the petitioner was working as physiotherapist at Viklang Jan Sansthan, Vishnu Digamber Marg, New Delhi. Thereafter they lived as husband and wife for about two months in their inlaws' house. In February, 2003 the petitioner took her to Rohtak and lived there in the house of one Raj Kumar Pandit on rent. Thereafter he was terminated from service and he joined at Manav Sewa Sangh Dharmarth Arogya Sadan Hospital at Rohtak as

physiotherapist. The wife gave birth to a son on 04.02.2004 at her parental home at Bhagalpur. In April, 2004 the petitioner came to Bhagalpur and brought her back with the child at Rohtak where they lived in the house given by Manav Sewa Sang Hospital, Rohtak. In November, 2004 the petitioner shifted to Sultanpuri Delhi with the petitioner and her child where he started his private clinic in a rented house. On 07.10,2005 the wife gave birth to another son in Ambedkar Hospital, Rohini by operation. Both husband and wife purchased a plot measuring 58 square yard in Rohtak in December, 2007 from the money given by the parents of the respondent in the marriage. On 15.02.2009 the petitioner got a job of physiotherapist in Mahatma Gandhi Memorial Hospital and Physio Center in Vaish Education Society, Rohtak. They started residing in a rented house. One day when she was going to market she found a board of clinic in the name of her husband and found his scooter parked in front of the clinic. When she enquired from her husband he disclosed that he had purchased a plot and constructed house and clinic over there from the money given by her father which he had given to some lady on rent and she has vacated it. On 24.03.2010 he took the respondent to that house where a lady came out and told that the house belonged to her as the petitioner had purchased it in her name. She disclosed her name as Mala Sinha. Then she came to know that her husband was having illicit relations with that lady. Since then the respondent is residing with her children separately and filed an application under section 125 Cr.P.C. seeking maintenance for her and her children stating the income of her husband to be Rs. 45,000/- per month. The trial Court after going through the evidence led by both the parties granted maintenance of Rs. 5000/- to the wife and Rs. 2500/- each to the minor children from the

date of petition till they attain the age of majority.

Learned counsel for the petitioner has come up with the plea that the petitioner was not awarded any opportunity for cross-examining the respondent-wife.

A perusal of the file shows that both the parties were given opportunity for leading evidence by way of filing affidavit. The evidence of the respondent-wife was recorded on 05.06.2015 and an application for return of original documents of qualification was filed way back on 08.07.2015 and the same was kept pending till 08.09.2015 and no attempt was made by the petitioner to make an application for cross-examination. At this stage no fault is found in the order of the trial Court.

Petition is dismissed.

(RITU BAHRI)
JUDGE

August 26 , 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No