

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

**CRR (F) No.425 of 2016 (O&M)
Date of decision: 06.12.2016**

Surender

.....Petitioner

Versus

Smt. Rajesh

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harkesh Manuja, Advocate,
for the petitioners.

Ritu Bahri, J.

This petition has been filed against the judgment dated 04.11.2016 passed by the District Judge, Family Court, Sonapat, whereby petition filed by respondent-wife under Section 125 Cr.P.C. has been allowed and and petitioner-husband had been directed to pay maintenance at the rate of Rs.4000/- per month from the date of filing of the petition.

Marriage of Surender-petitioner was solemnized with Smt. Rajesh-respondent on 17.08.2003 at village Nandnaur as per Hindu rites and ceremonies. Out of this wedlock, no child was born. This was the second marriage of Smt. Rajesh. Earlier, she was married to Balbir Singh, who had died in the year 2002. She was having one son and one daughter from her first marriage. It was agreed between the parties that both the children would be kept and maintained by the petitioner-husband. After sometime, petitioner-husband started harassing the respondent-wife and ultimately, in

the month of October, 2012, she was driven out of the matrimonial home along with minor children. Thereafter, she filed a petition under Section 125 Cr.P.C. seeking maintenance from her husband.

Before the trial Court, while appearing as RW-3, petitioner-husband had admitted his signature on a petition filed under Section 9 of the Hindu Marriage Act, wherein it had been specifically pleaded that his marriage was solemnized with respondent-wife according to Hindu rites and ceremonies at village Nandnaur on 17.08.2003. The fact that respondent-wife is the widow of Balbir Singh will not deprive her right to get maintenance from the present petitioner (husband). Further, it was not in dispute that the present petitioner was serving as a Clerk in Delhi.

Keeping in view the peculiar facts and circumstances of the case, this Court is of the view that the maintenance awarded by the trial Court at the rate of Rs.4,000/- per month is not on the higher side and the same does not require any interference.

Resultantly, the present petition is dismissed.

06.12.2016
ajp

(RITU BAHRI)
JUDGE

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