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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 552/2014 and CrI. M.A. No. 13996/2014

ANIL SHARMA Petitioner
Through : Mr. Harshit Jain, Adv.

versus

SUNITA SHARMA Respondent
Through : Mr. Arun Nischal, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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03.08.2016

1. By this revision petition under Section 397 of the Cr.P.C., petitioner has challenged the order dated 7th June, 2014 passed by the Principal Judge, Family Court, Rohini, Delhi, whereby petitioner has been directed to pay interim maintenance of ₹10,000/- per month to the respondent towards her maintenance from the date of filing of the application. Learned counsel for the petitioner vehemently contends that respondent is not his legally wedded wife. She was working in the petitioner's factory. They developed physical relations. However, petitioner never married the respondent. Since respondent is not legally wedded wife, she is not entitled to the maintenance. This plea has not been dealt with by the trial court in the impugned order.

2. I have perused the impugned order and find that this plea has been considered by the trial court. Proceedings under Section 125 of the Cr.P.C. are still pending. At the stage of grant of interim maintenance only a, prima facie, view is to be taken by the trial court from the material placed on record. A categorical statement has been made by the respondent in the petition that she was married with the petitioner on 18th February, 2003, according to Hindu rites and customs. She has further alleged that on 11th January, 2013 she was beaten. Therefore, she lodged a complaint with Police Station Netaji Subhash Palace.

3. Trial court has noted that respondent has placed on record certain photographs, in which petitioner was seen putting *sindoor* on her head, tying *mangal-sutra* on her neck and offering water to her on the occasion of *Karwa-chauth*. In the said photographs, daughter of the respondent is also seen with them. Respondent also placed on record a copy of LIC policy, wherein petitioner was shown as her nominee; copies of passbook of her bank account and ration card were also placed on record, wherein petitioner was shown as her husband and Aditi Sharma as his daughter; Copies of driving licence and identity card were also placed on record, wherein petitioner was shown as her husband. On the basis of these documents a,

prima facie, view has been taken by the trial court for granting the interim maintenance to respondent. Nothing wrong can be found in this approach of the trial court.

4. The plea taken by the petitioner that respondent is not his legally wedded wife is a question of fact and can be determined and answered only after a full-fledged trial, at the time of disposal of the application under Section 125 of the Cr.P.C. finally. I do not find the view taken by the trial court to be erroneous on the material placed on record.

5. Revision petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

AUGUST 03, 2016

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