

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13524-2017

Date of decision-25.10.2017

Jaswinder Singh

...Petitioner

Vs.

Manjit Kaur and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Malkeet Singh, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The petitioner is impugning the order dated 24.08.2016 passed by the learned Judicial Magistrate First Class, Ambala whereby in a complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005, the petitioner/husband has been directed to pay a sum of ₹3,000/-per month as maintenance to the wife-respondent No.1 and order dated 02.02.2017 whereby learned Addl.Sessions Judge, Ambala allowed the appeal preferred by the respondent No.1 and enhanced the amount of maintenance to ₹7,000/- per month.

Learned counsel contends that the learned appellate Court fell into error while granting maintenance to the respondent-wife to the tune of ₹7,000/- per month. He further contends that on the day of marriage, the first marriage of the respondent with Ravinder Singh was subsisting. This fact was not known to the petitioner. He cites “Yamunabai Anantrao Adhav Vs. Anantrao Shivram Adhav”, 1988(1) R.C.R (Criminal) 322 and “Hemlata Karayat Vs. Vijay Kumar Karayat”, 2015 (5) R.C.R.(Civil) 160 to contend that second wife is not entitled to maintenance as the second marriage is null

and void.

I have heard learned counsel for the petitioner and have gone through the case file.

Admittedly, respondent No.1 is the legally-wedded wife of the petitioner. The question of validity of marriage of the petitioner and respondent No.1 has already been decided by the competent Court. Learned Addl.Sessions Judge has rightly observed in the impugned order that there was not a mere live-in relationship between the petitioner and respondent No.1. A male child was born out of their wedlock. Therefore, the respondent-wife is legally entitled to claim maintenance from the petitioner. The respondent/wife claimed that the petitioner is working as Tubewell Operator and is earning ₹24,000/- per month. He also owns agricultural property.

There is no evidence on record that respondent/wife has any source of income. It cannot be said that the amount of ₹7,000/- per month is on higher side, especially in the present scenario of high rise in the cost of living. In that view of the matter, the Court below rightly fixed the maintenance in favour of respondent No.1. There is no illegality or perversity in the impugned order. The petition is accordingly dismissed.

25.10.2017

vanita

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No