

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13709-2017

Date of Decision:- 24.04.2017

Kamal Kishore

....Petitioner

Versus

Shakuntla Devi

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Jain, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for seeking quashing of order dated 23.02.2016, passed by the learned Judicial Magistrate 1st Class, Patiala whereby maintenance of ₹3,000/- has been granted to the respondent and for quashing of order dated 03.02.2017, passed by learned Additional Sessions Judge, Patiala (Annexure P-4) whereby appeal against the above-said order has been dismissed.

Learned counsel for the petitioner has argued that the Courts below have not considered the evidence led by the petitioner and wrongly directed him to pay maintenance of ₹3,000/- per month to the respondent. So, the impugned orders are liable to be set aside.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that in the present case, the marriage between the parties was solemnized in the year 1973 and from the said wedlock three children were born out. Moreover, the dispute with regard to ex-parte decree of divorce is still pending consideration before this Court. It is not the case of the petitioner after grant of ex-parte decree of divorce the respondent has been remarried. Keeping in view the facts of the present case, learned Courts below granted the interim maintenance of ₹3,000/- per month to the respondent and the same has been granted after appreciating the evidence in the correct prospective and does not require any interference. Such orders, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Section 482 Cr.P.C., unless and until, the same are illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned orders deserve to be and are hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed as such.

April 24, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No