

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

CRM-M-33780-2017

Date of decision: 13.9.2017

Tarsem Singh

...Petitioner

Versus

Satbir Kaur @ Amrit Kaur

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Sarbjit Singh, Advocate for the petitioner

JITENDRA CHAUHAN, J.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') for quashing of order dated 8.4.2016, passed by learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi (Annexure P1) vide which the application filed by the respondent under Section 125 Cr.P.C. for grant of interim maintenance of Rs.2500/- per month had been allowed and also order dated 25.5.2017 (Annexure P3) passed by learned Additional Sessions Judge, vide which the revision filed by the petitioner against the said order, had been dismissed.

It is contended that the respondent is not the legally wedded wife of the petitioner. She is a quarrelsome lady, due to which, her husband had committed suicide. Thereafter, respondent performed a second marriage with one Kamaljit Singh, which was duly registered vide certificate dated 30.4.2012 (Annexure P2) issued by the Registrar, Hindu Marriage, Kashipur, Udham Singh Nagar, Uttarakhand (India). The petitioner is a

widower and after the death of his wife, the respondent was employed as a household help. There is no evidence of marriage on record. The Court below without there being any proof of marriage between the petitioner and the respondent passed the impugned order and awarded maintenance at the rate of Rs.2500/- per month to the respondent, who concealed the factum of her second marriage, which is still subsisting.

Heard.

Perusal of the impugned order shows that respondent had placed on record copies of the statements made by the children of the petitioner, namely Mandeep Kaur and Gurwinder Singh. Both of them have categorically stated that their father had solemnized second marriage with the respondent. No evidence was produced by the petitioner regarding factum of subsistence of marriage between the respondent and one Kamaljit Singh.

There are specific assertions that the marriage between the parties was solemnized on 18.9.2013 according to Sikh Rites and Rituals and both the parties thereafter resided at the matrimonial home. However, as the petitioner forced the respondent to claim her share of the land from her brother in the parental property, which was resisted by the respondent, she was thrown out of the matrimonial home.

The long association between the parties duly admitted by the family of the petitioner leads to a legitimate presumption in favour of the respondent that the marriage had taken place between the parties.

As a result of the assertion of the respondent and the statements

of the children of the petitioner, the factum of marriage is presumed in the instant case. Otherwise also, only a meagre amount of Rs.2500/- per month has been ordered to be paid, which keeping in view the prevailing high cost of living, cannot be said to be on the higher side. Accordingly, this Court feels that no interference is warranted in the matter as the impugned order passed by learned trial Court is well reasoned and is in consonance with law. Consequently, the present petition is dismissed.

13.9.2017
vanita/gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No