

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

**CRR(F)-24-2016 (O&M)
Date of decision : 26.10.2017**

Kailasho

...Petitioner

Versus

Sewanand

...Respondent

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Anshika Sharma, Advocate,
for Mr. Salil Bali, Advocate,
for the petitioner.

JITENDRA CHAUHAN, J.

The above noticed criminal revision petition has been filed laying challenge to the impugned judgment/order dated 31.07.2015, passed by learned District Judge, Family Court, Rohtak, whereby, the petition under Section 125 of the Code of Criminal Procedure filed by the petitioner-wife was dismissed.

It is contended that the petitioner being legally-wedded wife of the respondent, was entitled to the maintenance as claimed. The petitioner has no means to sustain herself. The allegation that the petitioner-wife had been living an adulterous life remained unsubstantiated. After the marriage, the respondent continuously harassed her, raised repeated demand of dowry and even tried to set her ablaze, therefore, the petitioner has sufficient reasons to stay away from the company of her husband.

I have heard learned counsel appearing on behalf of the petitioner and perused the case file.

The petitioner claims that as no child was born out of the wedlock, she had adopted Rajdip, son of her brother-in-law. A perusal of the birth certificate of Rajdip, Ex.D2, would show that he was born on 14.12.1982 and therefore, was aged about 31 years in the year 2013. The petitioner was about 35 year old at that point of time. Therefore, it is very improbable that a woman of 35 years of age would adopt a son who was almost of her age and that too, without the consent of her husband. Thus, it is apparent that the bone of contention between the couple was said adopted son, Rajdip. It has further come on record that vide Ex.D9, a *Panchayat Faisla*, a compromise was arrived at between the parties with regard to said Rajdip. On 17.08.2010, a Panchayat was convened and it was decided that Rajdip would neither maintain any relation with the petitioner, nor would he visit Village Pehrawar, where the couple had been residing. However, Rajdip and Kailasho did not honour the understanding reached and therefore, on 30.12.2011, a Panchayat was again convened, wherein, it was decided that respondent-Sewanant would shift to Delhi along with the petitioner. The petitioner had admitted in her cross-examination that after the Panchayat, she did not move to Delhi, rather she returned to Village Pehrawar. It has also come in evidence that she stayed at Delhi only for 10 days and came back to the village thereafter. Thus, it is clear that the respondent-wife was not interested in staying in the company of her husband without there being any justification. Hence, the learned Court below has

rightly held that the petitioner is not entitled to claim maintenance from her husband.

In view of the above discussion, this Court does not find any ground to interfere in the well-reasoned judgment recorded by the Court below. Accordingly, the revision petition is, hereby, dismissed.

26.10.2017

atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No
Whether Reportable : Yes No