

In the High Court of Punjab and Haryana at Chandigarh

CRR(F)- 439 of 2016

Date of Decision: 11.1.2017

Smt. Kiran Sharma

---Petitioner

versus

Hoshiyar Sharma

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Manoj Chahal, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition directs challenge against order dated 9.9.2016 passed by the District Judge (Family Court), Bhiwani whereby plea of the petitioner for grant of maintenance under Section 125 of the Code of Criminal Procedure (in short "Cr.P.C.") has been declined on the premise that she is not wife of the respondent as the alleged marriage solemnized between her and the respondent is in contravention of the provisions of Section 5(i) of the Hindu Marriage Act, 1955 (in short "the Act"), therefore, null and void under Section 11 of the Act.

Counsel for the petitioner is not in a position to assail the factual findings recorded by the court below negating plea of the petitioner that she is entitled to get maintenance from the respondent by claiming herself to be wife of Hoshiyar Sharma.

After arguing for sometime, counsel for the petitioner states that the petition may be dismissed as withdrawn but without prejudice to

rights of the petitioner to take recourse to alternative remedy, if any, available under law for claiming maintenance from the respondent.

Ordered accordingly.

(Rekha Mittal)
Judge

11.1.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No