

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

**CRR(F)-447-2016 (O&M)
Date of decision-16.08.2017**

Gurdev Singh

...Petitioner

Vs.

Paramjit Kaur

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Tribhawan Singla, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

CRM-5025-2017

Application is allowed as prayed for.

Annexure P-1 is taken on record subject to all just exceptions.

CRR(F)-447-2016

The petitioner is impugning the order dated 17.11.2016 passed by the District Judge, (Family Court) Barnala whereby in a petition under Section 125 of the Code of Criminal Procedure, the petitioner/husband has been directed to pay a sum of ₹2,500/-per month as maintenance to the wife from the date of filing of the main application i.e.29.09.2014 till the date of order and @ ₹5,000/- per month from the date of order till entitlement.

It is contended that trial Court erred in awarding maintenance amount to the respondent without appreciating the fact that the petitioner is more than 70 years of age and does not have necessary resources. His first wife had expired. After the death of his wife, the respondent was employed as a cook. However, after 20 days she left the house. In fact, the petitioner had been cheated by the respondent.

I have heard learned counsel for the petitioner and have gone

through the case file.

In the instant case, Gurdev Singh/petitioner was married to Paramjit Kaur/respondent on 15.08.2014. After 20 days of marriage, respondent/wife left the matrimonial home and started residing at her parental home. The respondent/wife has claimed that the petitioner has immovable property in the shape of agricultural land and urban property and bank accounts in his name and is also earning ₹1,20,000/- per month.

Aggrieved the order, the husband has filed the instant revision petition and has claimed that being a retired senior citizen, he has no source of income and the trial Court has not referred to this fact. At the same time, there is no evidence on record that respondent/wife has any source of income. The respondent has produced on record copy of her medical report, Copy of her marriage certificate, copy of agreement of her marriage and photographs. There is no specific assertion with regard to holding of the assets by the petitioner.

Documents with regard to the marriage i.e. Mark 'A' and Mark "B' and photographs Exhibit P-2 and P-3 as noticed by the learned trial Court go to prove that the petitioner solemnized marriage with the respondent and their relationship continued for a long period. The assertion that she was employed as a cook and left the petitioner within 20 days thereafter is without any basis. The petitioner wants to escape from the liability by taking a plea that fake Anand Karaj ceremony was arranged. It is totally unacceptable in view of the age of the parties.

However, considering the fact that the petitioner is a retiree

whereas respondent/wife does not have any resources to maintain herself, the amount of ₹5,000/- per month is not 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 the respondent. There is no illegality or perversity in the impugned order. The petition is accordingly dismissed.

August 16, 2017

(JITENDRA CHAUHAN)

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JUDGE

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