

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

**CR-1374-2018 (O&M)**

**Date of decision : 27.2.2018**

**Jaspreet Singh**

**..... Petitioner**

**Versus**

**Dalbir Kaur**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:- Mr. Ajay Kalra, Advocate for the petitioner.**

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

**KULDIP SINGH J. (ORAL)**

Impugned in the present revision petition is the order dated 9.1.2018 (Annexure P-11), passed by learned Additional District Judge, Patiala vide which during the pendency of the petition under Section 11 of the Hindu Marriage Act, 1955, interim maintenance @ ₹ 5,000/- per month was allowed to respondent-wife from the date of application and ₹ 3,000/- as litigation expenses were granted.

Heard.

According to the petitioner-husband, he met respondent-wife in the year 2012 and fell in love with her. Their marriage was solemnized on 22.6.2012 in a Gurudwara at Mohali. Later on, petitioner came to know that respondent is already married and she has two daughters from her previous marriage. Respondent-wife got divorce from her first husband on 21.7.2012 i.e. one month after the date of marriage with petitioner-husband. It is not denied that parties lived together for two years as husband & wife. Thereafter,

differences crop up between them and now they are living separately.

Petitioner-husband is stated to be an earlier employed as LIC agent at Patiala.

Learned counsel for the petitioner has referred to a document on file showing that agency has been terminated by LIC in the middle of year 2017. It is stated that petitioner was getting commission of ₹ 12,000/- from LIC in the year 2017 (Annexure P-9). Therefore, learned trial Court erred in assessing the income of the petitioner as ₹15,000/- per month.

Learned counsel for the petitioner has further contended that since it was not a valid marriage respondent-wife is not entitled to any maintenance.

I am of the view that validity of the marriage is yet to be decided, therefore, no comments regarding the same can be passed. It is not denied that parties have lived together as husband & wife for about two years and even if the claim of the petitioner is ultimately accepted that it was not a valid marriage, it will amount to live in relationship and even in that case. Since parties lived together as husband & wife then at least during the pendency of the petition filed under Section 11 of the Hindu Marriage Act, 1955, respondent-wife is entitled to interim maintenance.

Petitioner-husband is otherwise an able bodied person and can easily earn ₹15,000/- per month and therefore, the interim maintenance of ₹5,000/- per month granted to the wife-respondent cannot be called excessive.

In view of above, no ground to interfere in the impugned order dated 9.1.2018 (Annexure P-11), passed by learned Additional District Judge, Patiala is made out.

Dismissed.

(KULDIP SINGH)  
JUDGE

27.2.2018

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