

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

CR No. 5924 of 2018  
Date of Decision: 07.09.2018

Jyoti Yadav

.....Petitioner

Versus

Ved Pal and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Sandeep Kumar Yadav, Advocate  
for the petitioner.

**DEEPAK SIBAL, J. (ORAL)**

The present petition is directed against the order dated 24.07.2018 passed by the District Judge, Narnaul (for short, the Trial Court) dismissing the petitioner's application filed by her under Section 24 of Hindu Marriage Act, 1955 (for short, the Act) for grant of interim maintenance during pendency of the divorce petition filed by respondent No.1.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that respondent No.1 filed a petition under Section 13 of the Act seeking therein divorce from the petitioner during the pendency of which, the petitioner filed an application under Section 24 of the Act seeking interim maintenance. On the dismissal of such application, the present petition has been preferred.

Learned counsel for the petitioner submits that the petitioner has been denied interim maintenance on the ground that she is living in adultery and since this fact is yet to be proved before the Trial Court, the impugned order cannot be sustained.

The afore submission made by learned counsel for the

petitioner has been considered in which no merit is found.

It is not disputed that respondent No.1, who is the husband of the petitioner, had lodged FIR No.293 dated 01.10.2016 under Section 346 IPC against respondent No.2-Pardeep Kumar in which he had alleged that Pardeep Kumar had wrongly confined the petitioner, his wife. On 08.10.2016, the petitioner and respondent No.2-Pardeep Kumar were recovered by the police while they were together and produced before the Judicial Magistrate Ist Class, Narnaul before whom the petitioner got recorded her statement under Section 164 Cr.P.C. that she had gone with Pardeep Kumar on her own and wanted to divorce respondent No.1. She further stated that she did not want to initiate any legal proceedings against anyone.

In view of the above statement made by the petitioner under Section 164 Cr.P.C. before a Court of law and the same having not been denied either before the Trial Court or before this Court, the petitioner has rightly not been granted interim maintenance by the Trial Court as it is virtually admitted by her that she as respondent No.1's wife was living with another man i.e. respondent No.2-Pardeep Kumar and that in order to save him from incarceration had made the above statement. No fault can be found in the impugned order denying interim maintenance to the petitioner as it is not for respondent No.1 to pay any interim maintenance to a wife who admits herself to be living in adultery.

Dismissed.

**(DEEPAK SIBAL)**  
**JUDGE**

**07.09.2018**  
*sandeep*