

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-1151 of 2018

Date of Decision: 18.7.2018

Prabhjit Singh

.....Petitioner

Versus

Inderpreet Kaur

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Hitesh Kumar Sammi, Advocate
for the petitioner.

ANITA CHAUDHRY, J

The petitioner has assailed the order dated 4.10.2017 vide which interim maintenance of Rs. 3,000/- has been allowed to the respondent.

I have heard the counsel for the petitioner at great length.

The submission on behalf of the petitioner is that the respondent has refused to live with the husband and in terms of Section 125 (4) and sub section (5) Cr.P.C., the wife is not entitled to receive maintenance when she refuses to live with her husband. It was urged that the wife had made a statement that she did not want to live with the husband, therefore she was not entitled to any maintenance.

A perusal of the impugned order shows that a decree of divorce had been passed on 6.2.2016. It is thereafter that the petition under Section 125 Cr.P.C. was filed. A divorced wife is entitled to maintenance unless the wife has remarried or is living in adultery. The wife had filed a petition

seeking divorce on the grounds of cruelty. The husband chose not to appear and was proceeded *ex parte*. Interim maintenance could not be denied to the respondent on the grounds alleged. There is no illegality or infirmity in the order.

The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

July 18, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No