

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

(1) CRM-M-23262-2014(O&M)

Malkiat Kaur

...Petitioner

Versus

Ranjit Singh

...Respondent

(2) CRM-M-18329-2015(O&M)

Ranjit Singh

...Petitioner

Versus

Malkiat Kaur

...Respondent

Date of Decision:-23.8.2018

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.K.S. Sidhu, Advocate for
for the petitioner in CRM-M-23262-2014 and
for the respondent in CRM-M-18329-2015.

Mrs.Bhupinder Kaur, Advocate
for the petitioner in CRM-M-18329-2015 and
for the respondent in CRM-M-23262-2014 .

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. **CRM-M-23262-2014** filed by petitioner Malkiat Kaur and **CRM-M-18329-2015**

filed by petitioner Ranjit Singh.

Briefly stated, facts of the case are that applicant Malkiat Kaur had filed an application under Section 125 Cr.P.C. against respondent Ranjit Singh for grant of monthly maintenance allowance on the averments that she was earlier married with Amarjit Singh, an elder brother of respondent Ranjit Singh and she gave birth to two sons, namely, Kuldeep Singh and Manjit Singh from that wedlock; that unfortunately Amarjit Singh died in the year 1989 and after his death, applicant was re-married with Ranjit Singh and thereafter they started residing together as husband and wife; that after their marriage, the respondent got recruited as Constable in Punjab Police, then he started demanding dowry from the parents of the applicant; that when such demands could not be fulfilled, the respondent used to give beatings to the applicant and he also threatened to get re-married; that the respondent took gold ornaments and other valuable articles from the applicant but refused to keep and maintain her. The applicant pleaded that she was not having any property moveable or immovable and was not having any source of income, whereas respondent being an able bodied person and working as Constable in Punjab Police drawing pay of Rs.8,000/- per month had neglected and refused to maintain her.

That application was contested by respondent submitting that the applicant is not his legally wedded wife, as such, is not entitled to claim any maintenance from him. According to the respondent, he was married with Paramjit Kaur daughter of Gurdev Singh of village Chathewala and is residing with her. The respondent submitted that after

death of Amarjit Singh, his widow Malkiat Kaur – applicant, is residing separately along with her children; that Malkiat Kaur had moved a complaint against him on which a departmental inquiry was conducted and the allegations that respondent had contracted second marriage with Paramjit Kaur were found to be false. He prayed for dismissal of the application.

After contest, the application was allowed and monthly maintenance allowance of Rs.4,000/- per month was awarded to the applicant from the date of application and litigation expenses of Rs.2,000/- were also awarded vide order dated 15.3.2012.

Both the parties felt aggrieved by the said order and filed separate revision petitions.

In her revision petition Malkiat Kaur sought enhancement of maintenance amount, whereas in his revision petition Ranjit Singh craved for dismissal of the application under Section 125 Cr.P.C. Both the cases were disposed of by learned Additional Sessions Judge (Fast Track Court), Bathinda vide consolidated judgment dated 26.4.2014 inasmuch as both the revision petitions stood dismissed.

Being dissatisfied, both the parties have approached this Court by way of filing separate petitions under Section 482 Cr.P.C..

Malkiat Kaur petitioner in CRM-M-23262-2014 is seeking setting aside of order dated 26.4.2014 passed by learned Additional Sessions Judge (Fast Track Court), Bathinda vide which her revision petition had been dismissed.

Ranjit Singh petitioner in CRM-M-18329-2015 is seeking

setting aside of order passed by Additional Chief Judicial Magistrate, Bathinda allowing maintenance @ Rs.4,000/- per month as well as order dated 26.4.2014 passed by learned Additional Sessions Judge(Fast Track Court), Bathinda vide which revision petition filed by him against the order dated 15.3.2012 was dismissed.

I have heard learned counsel for the parties besides going through the record.

Though respondent Ranjit Singh does not admit the relationship of husband and wife between him and Malkiat Kaur but Malkiat Kaur by bringing sufficient evidence oral as well as documentary on record has been able to prove that relationship. AW1 Gian Kaur, AW2 Pritam Singh testified regarding marriage of Malkiat Kaur with Ranjit Singh. It may be mentioned here that both the AWs are none-else but close relatives of Ranjit Singh. The documentary evidence produced by Malkiat Kaur was in the form of identity card Ex.PW7/C, voter list Ex.PW7/A, photograph of Ranjit Singh and Malkiat Kaur on ration card as Ex.PW5/A. In the ration card, Malkiat Kaur is mentioned as wife of Ranjit Singh. It further comes out that after death of Amarjit Singh, Malkiat Kaur and Ranjit Singh had been residing together as husband and wife and in several documents Ranjit Singh had mentioned Malkiat Kaur as his wife, as such, the Courts below had rightly come to the conclusion that relationship of husband and wife is there between Ranjit Singh and Malkiat Kaur. Malkiat Kaur had taken a specific stand that she does not own any moveable and immovable property and does not have any source of income, as such, she is unable to maintain herself. The Courts below

found so and observing that respondent having sufficient means had neglected and refused to maintain his wife unable to maintain herself had granted monthly maintenance allowance @ Rs.4,000/- per month to the applicant. It was so done when monthly income of respondent was about 8,000/- per month. Now his salary is more than Rs.30,000/- per month as it is proved on record. Though an attempt has been made to understate the income of respondent by showing more deductions but he cannot be allowed to succeed in such type of tactics.

Petitioner Malkiat Kaur is seeking enhancement in the monthly maintenance allowance i.e. Rs.4,000/- per month. I find that she is justified in asking for such enhancement. Rs.4,000/- per month maintenance was awarded to her vide order dated 15.3.2012. Now more than six years have passed. The salary of respondent has increased about four times. The things of basic needs have become very costly with inflation showing upward trend. It is quite difficult for a person to make both ends meet with Rs.4,000/- per month.

Therefore, the petition bearing **CRM-M-23262-2014** filed by **petitioner Malkiat Kaur has got merit. The same stands allowed.** The impugned order passed by learned Additional Sessions Judge (Fast Track Court), Bathinda declining the request of Malkiat Kaur petitioner for enhancement of maintenance amount is set aside and her application for enhancement is allowed and monthly maintenance allowance granted to her is enhanced to Rs.7,000/- per month from the date of passing of order by Additional Chief Judicial Magistrate, Bathinda.

Whereas, the petition bearing **CRM-M-18329-2015** filed by

CRM-M-23262-2014(O&M) &
CRM-M-18329-2015(O&M)

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**petitioner Ranjit Singh seeking setting aside of order passed by
Additional Chief Judicial Magistrate, Bathinda allowing maintenance
@ Rs.4,000/- per month as well as order dated 26.4.2014 passed by
learned Additional Sessions Judge(Fast Track Court), Bathinda
stands dismissed.**

Necessary information be sent to the quarter concerned.

23.8.2018
Brij

**(H.S.MADAAN)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No