

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

CRM-M-3245-2017 (O&M)

Date of Decision: September 07, 2018

Ranjit Singh @ Jagsir singh @ Rana

...Petitioner

Versus

Neelam Rani and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Deepak Agnihotri, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking to quash the impugned orders dated 01.10.2014 passed by JMIC, Dabwali, vide which an application under Section 125 Cr.P.C filed by the respondents herein-wife and two minor children was allowed and order dated 27.05.2016 passed by the Additional Sessions Judge, Sirsa vide which the revision petition filed by the petitioner stood dismissed.

In brief, the facts of the case are that respondents herein filed an application under Section 125 Cr.P.C. against the petitioner seeking maintenance for the respondents, which was allowed by an order dated 01.10.2014. Aggrieved against the said order a revision was filed before the Sessions Court and the same was also dismissed vide order dated 27.05.2016 passed by the Additional Sessions Judge, Sirsa. The instant

petition has been filed seeking to challenge both the orders passed allowing maintenance to the respondents.

Learned Counsel appearing on behalf of the petitioner seeks to challenge the said orders on the ground that there was no valid marriage between him and Neelam Rani, respondent no.1 and, therefore, any order of maintenance passed is not sustainable. The respondents herein had filed an application seeking maintenance from the petitioner herein by alleging that a marriage was solemnized in April 2000 through Sikh Rites in the presence of relatives and brotherhood at Mandi Dabwali, Sirsa and at the time of marriage sufficient dowry was given. Out of this wedlock, two children were born. However, on account of inadequate dowry the respondent No.1/complainant was thrown out of her matrimonial home alongwith her two minor children. Since, she was not able to maintain herself an application under Section 125 Cr.P.C was filed. The petitioner herein had contested the said application on the ground that there was no valid marriage between him and the respondent No.1/complainant, while also denying all allegations regarding demand of dowry or the fact that the respondent No.1 had been ill-treated and thrown out. It was contended that in fact the petitioner was married to one Baljit Kaur in the year 1985 and from their wedlock one son namely Vakil Singh and two daughters namely Harprit Kaur and Manprit Kaur were born. Evidence was led and ultimately the trial Court came to the conclusion that Neelam Rani, the petitioner No.1 herein is a legally wedded wife and petitioner nos. 2 and 3 herein are his sons and, therefore, entitled to maintenance. This order was challenged and the Revisional Court also dismissed the said revision vide order 27.05.2016.

Learned Counsel appearing on behalf of the petitioner vehemently argues that Baljit Kaur is the legally wedded wife and not Neelam Rani, the petitioner No.1 herein.

The Courts below appreciated the evidence. In testimony, the respondents herein examined, Darshan Singh-AW/1, who is uncle of the petitioner herein and Jangir Kaur-AW/2 who is the sister-in-law of the petitioner herein, who also corroborated the fact that the marriage between the petitioner and the respondent No.1 was performed at Mandi Dabwali. Another relative namely Lashkar Singh appeared in the witness box as PW3 who also corroborated the testimony of the complainant that a marriage was solemnised between the parties. Both Darshan Singh and Jangir Kaur are close relatives of the petitioner herein who testified this fact. An offer had been made to the petitioner to have his DNA test conducted in order to establish that respondent nos.2 and 3 were not his sons. However, he refused the same. Thereby a presumption is raised against him. Even otherwise, the petitioner herein has not made any application before the Civil Court to have his marriage declared as null and void.

Finding no infirmity with the orders so passed, the instant petition is dismissed being devoid of any merit.

Dismissed.

September 07, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No