

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-37504 of 2018

Date of Decision: 30.8.2018

Gian Singh

.....Petitioner

Versus

Jaswant Kaur

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. G.S.Verma, Advocate
for the petitioner.

ANITA CHAUDHRY, J

The petitioner assailed the order dated 28.2.2017 (Annexure P-4) vide which the petitioner has been directed to pay maintenance to the wife and the order dated 6.7.2018 (Annexure P-5) vide which revision filed by him was dismissed.

The wife had earlier filed a suit for recovery under Hindu Adoption and Maintenance Act seeking maintenance and she was allowed Rs. 1500/- per month as interim maintenance but ultimately the suit was dismissed. Thereafter the petition under Section 125 Cr.P.C was filed and it was asserted that the husband was getting pension of Rs. 20,000/- per month. The trial Court on the admission that pension was Rs. 20,000/- per month allowed interim maintenance of Rs. 6,000/- per month to the wife.

Aggrieved with the order, revision was preferred which has been dismissed.

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

It is not in dispute that the husband is getting pension of

Rs. 20,000/- per month but the submission was that the petitioner was old and the earlier suit filed by the wife had been dismissed and the amount allowed is on the higher side.

Dismissal of the earlier suit would not stand in the way if a wrong remedy was availed. The wife could certainly approach the Magistrate seeking maintenance under Section 125 Cr.P.C. The husband is bound to maintain his wife. The husband has the resources. The question whether the wife had left the company of the petitioner voluntarily is a question to be adjudicated by the trial Court finally after the parties have led their evidence. I find no infirmity in the orders.

The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

August 30, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No