

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-8302 of 2018 (O&M)
Date of decision : November 26, 2018

Manjit Singh

....Petitioner

versus

Kulwant Kaur @ Karamjit Kaur

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Naresh Gopal Sharma, Advocate, for the petitioner
Mr. Aayush Gupta, Advocate, for the respondent

Fateh Deep Singh, J. (Oral)

Through this assaignment the petitioner husband Manjit Singh has sought to challenge an order dated 17.1.2017 passed by learned Judicial Magistrate Ist Class, Ludhiana (Annexure P/4) and it having been merged in order dated 29.1.2018 (Annexure P/5) passed by the learned Additional Sessions Judge, Ludhiana upholding these orders by the aid of invocation of provisions of Section 482 Cr.P.C.

Heard. Records perused.

The wife Kulwant Kaur @ Karamjit Kaur who is middle aged around 56 years has sought maintenance from the husband on the grounds

that they were married on 26.6.1979 at Doraha Mandi, Tehsil and District Ludhiana, out of which the couple had a son and a daughter out of whom unmarried daughter died in the year 1998. It is alleged that the husband has again remarried one Baljit Kaur in the year 1991 without securing a divorce from the wife and is living separately and out of this subsequent wedlock husband has given birth to two children, a son and a daughter. The claim of the wife revolves around the fact that the husband is a man of means owning several properties comprising of a house measuring 1000 square yards in suburb of Ludhiana, 1/2 share in a house from where he is getting Rs 6000/- per month as rent and plot measuring 1198 square yards in Focal Point earning rent of Rs 10,000/-, another plot in village Dhandari, Ludhiana where he is running a workshop under the name and style of M/s Birdi Products earning Rs 50,000/- per month. It is alleged that besides this, the husband is having FDRs and deposits from which he earns Rs 1,06,000/- per month.

The husband in his stand has taken usual preliminary objections that is suppressing of material facts from the court, the application is barred by own act and conduct of the applicant etc. On merits, the husband though accepts inter-se relationship but denied the allegations of wife claiming that the husband has given wife property comprising of six rooms which she has given on rent for maintaining herself and her children and that the wife had admitted by virtue of compromise, the right of the husband to live as per his own whims and fancies thus

claiming that the present application was unfounded and the husband being above 66 years of age is suffering from various ailments and is unable to look after himself and tried to shift the onus on wife of ignoring him. The court below of learned JMJC vide orders dated 17.1.2017 allowed prayer of the wife and allowed interim maintenance to the tune of Rs 4000/- per month. Against this finding, the husband has gone in a revision and by the impugned findings, the court of learned Additional Sessions Judge, Ludhiana through orders dated 29.1.2018 upheld the findings of the learned Magistrate and dismissed the revision. It is the own stand of the husband as to this relationship and it is nowhere refuted by him as to his economic status, properties owned by him. It has been rightly concluded by the court below that neither the wife nor the husband could bring on the record at the time of disposal of the application for interim maintenance any document to show the relative income of any of the sides to this litigation. However, the court considering the necessities of life, the relative ages of the two sides and by some amount of guess work and hypothetical calculations came to the conclusion that it would meet the ends of justice if Rs 4000/- is granted as interim maintenance to the wife. Learned counsel for the petitioner could not convince this Court how or by what means such an amount by way of interim maintenance could be termed to be unjustified or illegal. The wife in the advanced age needs shelter over her head, day to day requirements of food, clothing and medicines having regard to the present trend of rising prices and that too in and around the city of Ludhiana which is

cosmopolitan city to the mind of this Court does not appears to be in any manner unjustified. Thus, learned counsel for the petitioner Mr. Naresh Gopal Sharma could not convince or rebut the averments of the counsel for the respondent Mr. Aayush Gupta how there has been miscarriage of justice necessitating intervention by this Court. There being no merit, the present petition stands dismissed.

November 26, 2018
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>