

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

CRR No. 3061 of 2017 (O&M)

Date of Decision:16.01.2018

Satwant Singh

..... Petitioner

Versus

Manpreet Kaur

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. D.S.Virk, Advocate
for the petitioner.

LISA GILL, J(Oral).

The petitioner is aggrieved of order dated 15.12.2016, passed by the learned Judicial Magistrate Ist Class, Samana, whereby the petitioner has been directed to pay ₹3000/- per month as interim maintenance and ₹2000/- as litigation expenses in application under Section 125 Cr.P.C., filed by the respondent-wife.

As per averments in the application, marriage of the petitioner and respondent was solemnized about one and a half year prior to filing of the said application in September 2015. It is stated that the respondent-wife was subjected to ill-treatment and harassment on account of bringing less dowry. Demand of ₹1,00,000/- and a brand new Swift Dezire car was raised. Allegations of rape qua father of the petitioner were also raised in respect to which FIR No. 146 dated 01.09.2015 was registered under Sections 498-A, 376, 511 IPC. It is alleged that the petitioner-husband is working in the SDM, Office at Guhla, has four buffaloes besides having 12 Acres of agricultural land. He is stated to be an owner of one plot and earning a sum

of ₹50,000/- per month. Prayer for maintenance at the rate of ₹10,000/- per month and ₹20,000/- as litigation expenses was addressed by the respondent-wife.

Upon notice, petitioner denied all the allegations and stated that the respondent-wife had developed an unacceptable intimacy with one Devinder Singh and she herself deserted the petitioner without any reasonable cause. Learned trial Court while deciding the application for interim maintenance observed that criminal proceedings have been initiated against the petitioner and his family members. Thus *prima facie* respondent-wife was justified in residing separately from her husband. There was no documentary proof of income of the husband at this stage. Learned trial Court observed that now a days even an unskilled labourer is earning about ₹9000/- to ₹10,000/- per month, therefore, the petitioner was directed to pay a sum of ₹3000/- per month as interim maintenance and ₹2000/- as litigation expenses. Aggrieved therefrom, this petition which is otherwise barred by limitation has been preferred.

It is vehemently argued that the respondent-wife was maintaining illicit relations with one Devinder Singh. This matter was adjourned to enable learned counsel for the petitioner to point out any document on record to indicate that the respondent-wife is living in an adulterous relationship. However, no such document is forthcoming. At this stage, to hold that the respondent-wife is living in adulterous relationship without any evidence on record is not justified. Even if, it is presumed that the petitioner is not working and does not even have any agricultural land, interim maintenance fixed at the rate of ₹3000/- per month is not unjustified in any manner.

Another argument raised by learned counsel for the petitioner,

at this stage, is that the respondent-wife has got remarried. There is no document produced on record to indicate the same neither is learned counsel for the petitioner able to give any such detail in this respect. Be that as it may, the petitioner is always at liberty to bring the said facts before the learned trial Court.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 15.12.2016, passed by the learned Judicial Magistrate Ist Class, Samana, which calls for interference by this Court in exercise of revisional jurisdiction.

There is delay of 163 days in filing of the present revision petition. As the matter has been adjudicated on merits, the application seeking condonation of delay of 163 days in filing of the present revision petition, is rendered academic.

Accordingly, this petition is dismissed.

16.01.2018

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.