

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

CRM-M-11562 of 2019.

Decided on:- May 01, 2019.

Kuldeep Singh @ Keepa.

.....Petitioner.

Versus

Rajwinder Kaur.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. D.S. Sandhu, Advocate for
Mr. L.S. Sidhu, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner, who is husband of respondent Rajwinder Kaur, has filed present petition under Section 482 Cr.PC impugning the order dated 24.04.2017 passed by learned Additional Chief Judicial Magistrate, Tarn Taran, whereby, learned Magistrate while assessing income of the petitioner @ Rs.10,000/- per month granted interim maintenance @ Rs.3,000/- per month to the respondent-wife in a petition filed under Section 125 Cr.P.C. The petitioner has unsuccessfully challenged that order by way of revision petition before the Court of Session. However, vide judgment dated 15.12.2018 passed by learned Additional Sessions Judge, Tarn Taran, the revision petition was also dismissed.

Learned counsel for the petitioner has argued that the trial Court has failed to appreciate the fact that the petitioner was never married with the respondent. The behaviour of the respondent was totally indifferent. She

started living with one Charanjit Singh without obtaining divorce from her previous husband Harjit Singh.

I have heard learned counsel for the petitioner.

The revisionary Court while considering the argument raised by the petitioner that the petitioner has disputed relationship of husband and wife has dismissed the revision petition in the light of the law laid down in ***Chanmuniya Versus Virendra Kumar Singh Kushwaha 2010(4) RCR (Criminal) 704*** wherein Hon'ble Supreme Court has held that if a man and woman have been living together as husband and wife for a reasonably long period of time, the strict proof of marriage should not be a pre-condition for maintenance under Section 125 Cr.P.C.

Even otherwise, the maintenance granted to the respondent is interim in nature. Therefore, this Court does not find any reason to interfere with the interim maintenance awarded by the trial Court and affirmed by the revisionary Court.

The present petition is, accordingly, dismissed.

However, the trial Court shall make an endeavour to decide the petition under Section 125 Cr.P.C. filed by the respondent-wife expeditiously.

May 01, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No