

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

CRM-M-31480-2018
Date of Decision:-3.9.2019

DEVENDER KADIAN

... Petitioner

Versus

SUMAN LATA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harkesh Manuja, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 7.5.2018 passed by learned Additional Sessions Judge, Mohali, whereby an order dated 4.10.2017 passed by learned Additional Chief Judicial Magistrate, SAS Nagar, Mohali awarding interim maintenance to the respondent at the rate of ₹15,000/- has been upheld.
2. Learned counsel for the petitioner has submitted that in fact the respondent is not legally wedded wife of the petitioner and while appearing in a criminal trial pertaining to FIR No.5 dated 4.1.1998 under Sections 279, 337, 427, 323, 325, 34 IPC she has made a statement that name of her husband is Raj Sethi, who is resident of Bangalore and her marriage was solemnized at Bombay and the same was a love marriage.

3. I have heard learned counsel for the petitioner. Although the aforesaid statement, annexed with petition as Annexure P-6, would show that respondent-Suman has stated that she was married to Raj Sethi, but it is not known as to at what point of time she was married to Raj Sethi and as to whether Raj Sethi is still alive or was alive at the time of her marriage with petitioner. In these circumstances, it would be for the trial Court to take into account the aforesaid submission while finally deciding petition under Section 125 Cr.P.C.. Needless to mention that the trial Court would be required to look into the contention of the petitioner that the respondent is not his legally wedded wife. As far as the impugned order is concerned, the same pertains to grant of interim maintenance which has been assessed as ₹15,000/- per month keeping in view the financial status of the petitioner, who admittedly is owning one Fortuner car and one Audi Car indicating his sound financial position as said vehicles fall in premium segment of vehicles.
4. In view of the aforesaid financial status of the petitioner, this Court does not find any ground to interfere with the impugned order and the same is affirmed. Since the trial is at the stage of recording evidence, the petition is disposed of with a direction to expedite the proceedings in respect of petition under Section 125 Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

3.9.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No