

202.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-531-2018

Date of decision:11.03.2019.

SUNIL

... Petitioner

versus

SUNITA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vijay Singh Kajla, Advocate,
for the petitioner.

Mr. Gourav Verma, Advocate,
for the respondent.

HARI PAL VERMA, J.(Oral)

Petitioner-husband has filed the present revision petition against the order dated 27.09.2018 passed by the Family Court, Bhiwani, whereby on an application filed by the respondent under Section 125 Cr.P.C. for grant of maintenance, the learned Family Court, while considering the social and economical condition of the parties, has granted interim maintenance @ Rs.4,000/- per month payable to the wife from the petitioner-husband. The amount has to be paid from the date of filing of the application till final decision of the case. The learned Court has also awarded Rs.5,500/- as litigation expenses.

Counsel for the petitioner has argued that the respondent is not entitled for the interim maintenance for the reason that she is living in adultery. He has referred to Section 125 (4) Cr.P.C. which dis-entitles her from maintenance. He has further argued that since the respondent had ran

No.353 under Sections 376, 346, 506, 342 of IPC was registered at Police Station Sadar, Rohtak on 02.09.2014 against the said Kuldeep.

Learned counsel for the respondent has pointed out that in the above FIR, the petitioner himself has appeared as a witness and has compromised the matter which led to the acquittal of said Kuldeep and now the petitioner has filed a divorce petition against the respondent imposing the said Kuldeep as respondent for committing adultery.

I have heard learned counsel for the parties.

Considering the fact that so far as FIR No.353 is concerned, in that case, the said accused has been acquitted, may be on the ground that the petitioner has been declared hostile. But noticing the fact that the present is a case where the trial Court has only granted interim maintenance and the fact that as to whether she is living in adultery is yet to be established during trial, for which, petitioner is required to lead substantial evidence, this Court finds that there is no illegality in the order passed by the learned Family Court as during the pendency of the petition under Section 125 Cr.P.C., the respondent in order to survive need some financial help, thus she has rightly been held entitled for the maintenance.

No ground for interference is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

11.03.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.