

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR(F)-778-2019 (O&M)
Date of Decision:-14.10.2019

Sarabjeet Kaur and another ... Petitioners

Versus

Jagdeep Singh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Kumar Prajapati, Advocate for the petitioners.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court challenging order dated 5.9.2019, whereby the learned Additional Principal Judge, Family Court, Ludhiana, while deciding a petition under Section 125 Cr.P.C. has declined to award any maintenance to the petitioner No.1 namely Sarabjeet Kaur, while her minor son (petitioner No.2) has been awarded maintenance @ ₹7,000/- per month.
2. The learned counsel for the petitioners has submitted that the learned trial Court fell in error in observing that petitioner No.1 is not the legally wedded wife of the respondent, whereas no such findings could have been returned by the Family Court in proceedings under Section 125 Cr.P.C. It has further been submitted that, in any case, even the compensation awarded to petitioner No.2 Ekam @ ₹7,000/- per month is on the lesser side as the respondent is having income to the extent of ₹80,000/- per month from a gym being run by him and from business of finance.

3. I have heard the learned counsel for the petitioners.
4. It is not disputed that petitioner No.1 is already getting maintenance @ ₹7,000/- per month in proceedings under Hindu Marriage Act/Domestic Violence Act. In view of the aforestated position, petitioner No.1 certainly is not entitled to any maintenance twice over. Consequently the impugned order dated 5.9.2019, inasmuch as the same pertains to declining of the claim of petitioner No1 for compensation, cannot be said to be suffering from any infirmity and the same is upheld to the said extent. It is, however, clarified that the observations as made in the impugned order pertaining to the validity of the marriage of petitioner No.1 are not to be taken as any final expression regarding the said aspect as the said observations have been made while disposing of an application for grant of interim maintenance during pendency of proceedings under Section 125 Cr.P.C.
5. As far as the quantum of maintenance awarded to petitioner No.2 is concerned, this Court does not find that any enhancement is required as there is no concrete evidence at this stage to hold that the respondent is having an income of ₹80,000/- per month. Finding no merit in the revision petition, the same is hereby dismissed.
6. It is, however, clarified that it shall be open to the parties to lead evidence in respect of the validity of the marriage of petitioner No.1 before the proceedings under Section 125 Cr.P.C. as well as in any other proceedings at appropriate stage, in accordance with law.

14.10.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**