

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

CRM-M-42894 of 2019 (O&M)
Decided on:- December 16, 2019.

Gurjeet Singh.

.....Petitioner.

Versus

Beant Kaur.

.....Respondent.

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

Present:- Mr. Akshay Jindal, Advocate for
Ms. Stuti Goel, Advocate
for the petitioner.

Mr. Gurpal Singh Sandhu, Advocate
for the respondent.

HARI PAL VERMA, J. (Oral)

CRM-38255-2019

The copy of compromise deed (Ex.A4) as Annexure P-1 is taken
on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-42894-2019

The petitioner has filed present petition under Section 482 Cr.PC
so as to quash the order dated 03.01.2018 passed by learned Judicial
Magistrate 1st Class, Sri Muktsar Sahib, whereby the petition filed by the
respondent under Section 125 Cr.P.C. was allowed and the petitioner was
directed to pay maintenance @ Rs.1,500/- per month to the respondent from
the date of petition.

Challenge has also been laid to the judgment dated 10.09.2019 passed by learned Sessions Judge, Sri Muktsar Sahib, whereby the criminal revision filed by the petitioner against the order dated 03.01.2018 passed by learned Magistrate, was dismissed, whereas the criminal revision filed by the respondent seeking enhancement of maintenance was allowed and the respondent was held entitled to claim maintenance @ Rs.3,500/- per month from the date of filing of the petition.

Learned counsel for the petitioner has argued that learned Magistrate has wrongly allowed the petition filed by the respondent under Section 125 Cr.PC vide impugned order dated 03.01.2018 and similarly, the revisionary Court has wrongly accepted the revision by modifying the maintenance and enhancing the same to Rs.3,500/- per month. In fact, the respondent is not a legally wedded wife of the petitioner as the petitioner never solemnised any marriage with her. But still, making wrong reliance to the document Ex.A4, which is Panchayatnama dated 09.07.1996 and signed by the respectable persons of village Saukha and village Bhundar, maintenance is awarded. The petitioner had denied the very signatures on this document, but while wrongly relying upon the document Ex.A4 and without comparing the signatures of the petitioner, learned Magistrate has awarded the maintenance to the respondent considering as if it was a marriage between the parties.

He has further argued that the trial Court has placed wrong reliance on the certificate Ex.A1, which is issued by the owner of marriage palace in support of the marriage. The certificate Ex.A1 is dated 27.09.1995,

whereas the alleged marriage was solemnised between the parties on 05.02.1995. As per the averments made by the respondent, she was allegedly turned out of the matrimonial house by the petitioner and his family in the year 1996, but still, after waiting for about 21 years, neither she filed any complaint nor any application before any forum including the Court. There is no such document to support the contention of the respondent that she was legally wedded wife of the petitioner.

At this stage, Mr. Gurpal Singh Sandhu, Advocate has put in appearance and filed power of attorney on behalf of the respondent, which is taken on record. He has contended that the respondent is a legally wedded wife of the petitioner which is clear from the compromise Ex.A4 so entered between the parties. He has further contended that the petitioner has not approached this Court with clean hands. Even after filing of this petition before this Court, the petitioner has made a statement before the executing Court on 04.10.2019 so as to produce a bank draft of Rs.30,000/- to be paid to the respondent allegedly in compliance of the order passed by this Court, whereas no such direction was ever given by this Court. He has produced certified copy of the statement dated 04.10.2019 made by the petitioner before learned Judicial Magistrate 1st Class, Sri Muktsar Sahib, which is taken on record.

I have heard learned counsel for the parties.

Perusal of the impugned order dated 03.01.2018 passed by learned Magistrate shows that the respondent had approached the Court so as to claim maintenance under Section 125 Cr.PC on the ground that her

marriage was solemnised with the petitioner on 05.02.1995 at Chahal Palace, Sri Muktsar Sahib and after marriage, the parties cohabited as husband and wife at Sri Muktsar Sahib. However, no child was born to them. The petitioner used to beat her under the influence of liquor.

Apart from the fact that there was no such direction to the petitioner to make payment of Rs.30,000/- to the respondent, this Court finds that in order to grant maintenance, direct proof of marriage is not required. Therefore, the argument of learned counsel for the petitioner that the respondent is not a legally wedded wife of the petitioner and, therefore, she is not entitled for maintenance, cannot be accepted.

So far as the enhancement of maintenance from Rs.1,500/- per month as awarded by learned Magistrate, to Rs.3,500/- per month granted by the revisionary Court is concerned, this Court finds that the revisionary Court has rightly enhanced the same as the maintenance awarded by learned Magistrate which was on very lesser side and is not sufficient even to meet the basic necessities of life particularly when the cost of living is increasing day by day.

Therefore, this Court finds that no interference is warranted with the impugned order dated 10.09.2019 passed by learned Sessions Judge, Sri Muktsar Sahib.

Accordingly, the present petition, being devoid of any merit, is dismissed.

December 16, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes
No