

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

CRR(F)-914-2019

Date of Decision:-13.11.2019

GUVINDER @ BINDER

... Petitioner

Versus

ANURADHA KUMARI

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sukhdeep Singh Bhinder, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 31.8.2019 whereby the trial Court has awarded interim maintenance at the rate of ₹5,000/- per month to the respondent during pendency of application under Section 125 Cr.P.C..
2. Learned for the petitioner while challenging the impugned order has first of all submitted that the respondent is not his legally wedded wife and that he has taken this specific stand in his reply and in fact has also instituted a civil suit seeking declaration that his marriage with respondent is null & void and that she is not his legally wedded wife.
3. I have heard learned counsel for the petitioner.

4. No doubt, a wife while approaching the Court under the provisions of Section 125 Cr.P.C. is required to state and establish that she is legally wedded wife of the respondent to be successful, but at the stage of considering interim maintenance, the Court is to *prima facie* satisfy itself about the relationship between the parties. The trial Court, in the present case recorded its satisfaction in para No.4 of impugned order, which reads as follows:-

“The petitioner has shown album of her marriage with the respondent. In the album, the petitioner is shown with the respondent in the costume of bride while respondent is shown in the costume of bride-groom. Original album seen and returned. The petitioner has placed on record photo copy of passbook of joint account of the parties, photocopy of petition filed by her in the Court of learned Additional Chief Judicial Magistrate, Sirsa under Sections 12, 18, 19, 20, 21 of Prevention of Women from Domestic Violence Act, certified copy of charge-sheet dated 22.01.2019 vide which respondent was charge-sheeted for the offences punishable under Sections 498-A & 406 IPC and certified copy of report under Sections 173 Cr.P.C. filed by police in the aforesaid criminal case against the respondent. These documents show *prima-facie* show that marriage of the parties was solemnized on 14.02.2016 and they have been residing separately since 25.7.2017.

5. A joint bank account between the petitioner and respondent would go long way to show that there was relationship between the parties. Although the learned counsel for the petitioner has even disputed that the bank account is not of the petitioner, and is of some other namesake but said aspect can be considered by the trial Court at the stage of final adjudication. At this stage,

the photographs and the joint bank account is enough to *prima facie* hold that the parties are husband & wife.

6. Learned counsel for the petitioner has next challenged the quantum of interim maintenance which has been awarded at the rate of ₹5,000/-. It has been submitted that the petitioner is unemployed, and as such, he cannot pay an amount of ₹5,000/-.
7. I have considered the aforesaid submission. Nowadays even an unskilled labourer can be expected to earn anything between ₹15-20 thousand per month. As such, this Court finds that the interim maintenance as awarded by trial Court at the rate of ₹5,000/- is not on higher side. The petition being sans merit is dismissed.

13.11.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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