

CR-3954-2018

Date of decision: 20.01.2020

Devinder Kumar

.....Petitioner

versus

Manta

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Ms. Manjeet Kaur, Advocate
for the petitioner.Mr. Jatin Kaushik, Advocate
for the respondent.**FATEH DEEP SINGH, J.**

The present petitioner/husband, Devinder Kumar, has instituted against the present respondent/wife-Manta, a petition under Section 13 of the Hindu Marriage Act, 1955 seeking divorce from the wife. During the pendency of the divorce petition, the wife moved petition under Section 24 of the Hindu Marriage Act, 1955 seeking maintenance. The primary grounds was that she was not owning any immovable property or had any source of livelihood, whereas, the husband was working as a motor mechanic earning Rs.35,000/- per month. The Court of the Additional District Judge, Rewari, through the impugned findings dated 30.04.2018, allowed the application of the wife and granted maintenance at the rate of Rs.3,000/- per month to the wife along with Rs.10,000/- as litigation expenses. The same has been challenged by the husband in this revision.

It is well writ large on the records as to the relationship of the husband and the wife and the fact that the husband is able-bodied person gainfully employed. Wife is in no manner shown to be self-dependent. The lone argument that is being raised by the counsel for the petitioner is that the wife in a criminal prosecution, had stated before the Court of learned Additional Session Judge, Rewari that she was in a relationship with one, Sudesh and volunteered into coitus with him. However, to the specific query of this Court, the petitioner's counsel could not show firstly if it was during the subsistence of the marriage, this relationship was in existence, prior thereto or subsequent, after the husband secured divorce, secondly, to consider it to be a legitimate piece of evidence, such a stand which is an evidence in another case has to be proved to be considered, so legitimate and legal acceptable in the present proceedings under Section 13 of the Hindu Marriage Act. Thus, the findings arrived at by the Court below, in the impugned order, apparently does not suffers from any illegality and infirmity and, therefore, needs to be upheld and necessitates no intervention by this Court.

The revision being meritless stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

20.01.2020

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No