

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 7046 of 2016 (O&M)
Date of decision : January 24, 2020

Nirmal Singh

....Petitioner

versus

Rekha Rani and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Shivam Malhotra, Advocate for
Mr. Manuj Nagrath, Advocate, for the petitioner

Respondents ex-parte

Fateh Deep Singh, J. (Oral)

In this revision petition, petitioner-husband Nirmal Singh has challenged order dated 7.9.2015 Annexure P/2 of the court of learned Additional District Judge, Jalandhar passed in a petition under Section 24 of the Hindu Marriage Act whereby the court had by the impugned findings allowed the application of respondent wife Rekha Rani and her minor daughter Raveep Kaur and awarded Rs 7000/- to the wife and Rs 3000/- to the daughter per month in all totalling to Rs 10,000/-. Besides this a sum of Rs 10,000/- has awarded as litigation expenses.

The contention of the petitioner's counsel that after her initial divorce from Lakhwinder Singh son of Kartar Chand, the wife had entered into a wedlock with one Om Kumar of Saharanpur and therefore, his marriage with the petitioner Nirmal Singh was *void ab-initio* and therefore the respondents are not entitled to any maintenance much less the daughter who was never born out of the wedlock of the petitioner and Rekha Rani.

Going through the submissions as is the own stand of the husband Nirmal Singh in his petition for dissolution of the marriage he fairly states in the opening lines of his petition that marriage between him and respondent Rekha Rani was solemnized on 23.12.2012 and therefore, apparently prima-facie accepts the factum of a legitimate marriage with full ceremonies having been performed between the two. To the specific query of the Court what document has come about as to the marriage between Rekha Rani and alleged Om Parkash of Saharanpur whose particulars have not come about nor has been arraigned as a co-respondent in the divorce petition. Thus, in the light of the same, such an averment at this stage when the divorce petition is at preliminary hearing and evidence is yet to be led by the parties does not appeals to this Court.

The husband is gainfully employed in the Indian Railways. Though the wife claimed that husband is earning Rs 35,000/- per month but the husband has denied her claim in his plaint but there is no specific denial of being Central Government Employee even in the submissions of the counsel for the petitioner. The court below after scrutinizing the situation before it had awarded Rs 7000/- per month to the wife and Rs 3000/- per month to the daughter, in all totalling Rs 10,000/-. The wife needs roof over her head along with the child. Both need food and clothing. The child needs money for her education and upkeep. Keeping in view the engagement of the husband in the government department and their being no specific denial to this effect by the husband and by some amount of guess work and hypothetical calculations, the court has rightly awarded this amount keeping in view the latest trend of prices and costs of living and other necessary requirements of life. There appears to be no merit in the present petition which stands dismissed.

January 24, 2020**'tiwana'****(Fateh Deep Singh)
Judge***Whether speaking/reasoned ?**Yes/No**Whether Reportable ?**Yes/No*