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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-310-2021

Date of decision : 20.09.2021

Preeti

.... Petitioner

Versus

Suresh Kumar

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dhruvwinder Brar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

By way of filing this revision petition, petitioner has approached this Court impugning the order dated 22nd February, 2021 whereby, the Family Court had declined the maintenance under Section 125 Cr.P.C. prayed for by the petitioner.

As per the case of the petitioner, she was married to respondent-Suresh Kumar on February 16, 2003 according to the Hindu rites. Out of the wedlock, one son, namely, Ayush was born, who is in the custody of respondent-husband. On account of the alleged cruelty, the petitioner moved a complaint to the Women Police Station, Sector 16-A, Faridabad where the respondent agreed to bring back her in the matrimonial home. However, she was not allowed by the respondent to join her in the matrimonial home. It was further alleged that she was not allowed to meet her son and was thrown out of the house forcibly. It was further alleged that

the parents of the petitioner requested the respondent and his family members to keep and maintain her but lastly on 10th July, 2017, the respondent clearly refused to accept the petitioner. Though, she was ready and willing to live in the company of the respondent but he filed divorce petition against her. It was contended that the respondent is employed as J.E. in Railway Department and his monthly income is about Rs.50,000/- to Rs.60,000/-. He owns movable and immovable properties and without any rhyme and reason, he has refused to maintain her. Resultantly, maintenance of Rs.20,000/- per month was claimed.

On notice, respondent appeared and filed his reply. The allegations made by the petitioner were vehemently denied. It was submitted that the petitioner is a lady of very violent temperament and had left the company of the respondent of her own will. It was submitted that when the respondent returned from duty hours on 30th November, 2014, the petitioner and her mother used abusive language against the respondent. It was submitted that it is one Rajbir who gave her the required sexual solace. The respondent-husband has further submitted that the petitioner had not only established illicit relations with Rajbir but with Honey Singh as well, who was the driver of the husband and when the respondent objected to the same, she defended her proximity with Honey Singh by calling him a Macho Man. He complained about the same to his mother-in-law about the dangerous alliance of her daughter as mentioned above wherein, she regretted and apologised. He further contended that the petitioner having Diploma in Information and System Management from A.I.W.C. (Delhi), MBA from Symbiosis University, Pune and Post Graduation from Delhi University is highly qualified and is working in some hospital in Delhi and

earning Rs.50,000/- per month. He submitted that the petitioner left the company of the respondent of her own will and living in adultery. In the overall facts and circumstances, it was prayed that by no stretch of imagination, the petitioner is entitled for the maintenance claimed under Section 125 Cr.P.C. Resultantly, the Family Court after hearing counsel for the parties and perusing the record, declined the prayer made by the petitioner. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition.

Learned counsel for the petitioner has contended that the learned Family Court has illegally declined the maintenance prayed for by the petitioner. He has reiterated the grounds taken therein before the Family Court and submitted that the petitioner was thrown out of the matrimonial home and the respondent-husband who is employed as J.E. is legally bound to provide the maintenance as prayed for.

I have heard counsel for the petitioner and perused the record.

It is apposite to note that the respondent is a very well qualified person and earning a handsome salary as well. Besides this, a perusal of the impugned order would show that both the parties were provided the opportunity to lead their evidence in support of their claims wherein, the respondent-husband has produced his minor son namely, Ayush, who is 15 years old, as RW-2 and the testimony of the same would show that he is staying in the company of his father and had categorically refused to remain with his mother. He has further stated in his deposition that his mother pressurized him to address Rajbir as Papa and so he left the company of his mother on his own. The respondent-husband has taken a categorical stand of adultery against his wife-petitioner. It is his categorical case that she

developed physical relations with his driver Honey Singh. It is pertinent to note that police complaint (Ex.R-3) was made by none other than the mother of petitioner-Preeti namely, Smt. Malti which did show that the petitioner-wife had developed intimate relationship with the driver Honey Singh. The only son of the couple was also abandoned who voluntarily withdrew from the society of his mother. Besides this, it was found that the petitioner is a qualified person earning salary of Rs.38,000/- while working as a Manager with Eye Hospital in Delhi as an Income Tax Assessee.

After hearing counsel for the petitioner and on persual of the record, it is emphatically clear that petitioner is a very well qualified person and she has abandoned the company of his husband voluntarily. The husband had produced ample evidence to buttress his stand of adultery against the petitioner-wife. On persual of the statutory provisions of Section 125(4) Cr.P.C. would show that the wife shall not be entitled for the maintenance if she is living in adultery or without any sufficient reason has refused to live with the husband.

In the overall facts and circumstances, this Court finds no infirmity in the conclusion drawn by the Family Court and thus, decline to interfere in the conclusion arrived at. The petition being devoid of any merits is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

20.09.2021
m. sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No