

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

(120)

CRM-M-46764-2021

DATE OF DECISION:- 08.11.2021

HARMAIL SINGH @ GHULA SINGH

...PETITIONER

VERSUS

NAVDEEP KAUR AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anshuman Chopra, Advocate
for the petitioner.

SUVIR SEHGAL, J. (ORAL)

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, the petition seeks setting aside of the judgment dated 13.09.2021 passed by learned Additional Sessions Judge, Bathinda, whereby appeal filed by the petitioner has been dismissed and judgment dated 13.04.2018 passed by JMIC, Bathinda on an application filed under Sections 12 and 18 of the Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”) has been upheld.

By the impugned judgment dated 13.04.2018, JMIC, Bathinda while dismissing the application filed by wife-respondent No.1 against respondent No.2, who is her sister-in-law (wife of elder brother of her husband-petitioner) regarding acts of domestic violence, accepted the claim for maintenance and directed the husband-petitioner to pay

Rs.5000/- per month from the date of the order, besides awarding Rs.2000/- as litigation expenses in her favour. The Trial Court further restrained the husband-petitioner from dispossessing the wife-respondent No.1 from the residential house, the possession of which had been given to her in terms of a compromise arrived at before the Panchayat of the village and awarded her compensation of Rs.3000/- on an account of maltreatment by the husband-petitioner.

Heard counsel for the petitioner.

Sole grievance of the husband-petitioner is that despite a compromise (Panchayatnama) dated 01.11.2015, Annexure P-3, between the husband and wife, the Courts below have burdened the petitioner with maintenance. No doubt the Panchayatnama/ compromise, Annexure P-3, has been arrived at between the couple during the pendency of the petition under the DV Act, but as is evident from the compromise, it pertains of handing over the possession of a portion of the residential house as well as cattle to the wife-respondent No.1 and it does not deal with her claim of maintenance. It has come on the record that the husband is owner of more than 50 kanals of agricultural land, which he has given on lease, besides his earning of Rs.21,600/- per month. It has been established that the petitioner is working as Seed Authentication Officer in the office of Director, Punjab State Seed Authentication Organization. Though, there is no direct evidence on the record to show the salary being drawn by him or his earning from the agricultural land, but it is the bounden duty of the petitioner, who is an able bodied person, to maintain his wife, who admittedly is separate in residence for the last more than 15 years.

In the above circumstances, the award of monthly maintenance of Rs.5000/- to the wife-respondent No.1 cannot be said to be unreasonable and does not called for any interference.

Finding no merit in the petition, it is ordered to be dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

08.11.2021
Kamal

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