

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CRR(F)-160-2022 (O&M)

Date of decision: 23.05.2022

Kulvinder Singh

...Petitioner

Versus

Kamaljit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amandeep Saini, Advocate
for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

Vide the instant petition filed under Section 401 of the Code of Criminal Procedure, 1973 (for short “the Code”), petitioner has challenged order dated 29.09.2021 passed by the Family Court, Ludhiana, granting ad-interim maintenance to the respondents under Section 125 of the Code.

Heard counsel for the petitioner.

Vide the impugned order, the Family Court has directed the petitioner to pay a monthly interim allowance of Rs.3,000/- p.m. to his wife-respondent No.1 and Rs.7,000/- p.m. to his daughter-respondent No.2 from 01.09.2021. This order has been passed on the basis of a statement suffered by the petitioner before the Family Court, which has been duly signed by the petitioner and countersigned by his counsel.

The argument raised by counsel for the petitioner that the petitioner cannot read English and had never agreed to the payment, stands falsified as an affidavit as well as the Power of Attorney filed by him with the instant petition, are signed by him in English. Instant petition is an attempt by the petitioner to evade his responsibility to maintain the respondents, who are his family members.

Finding no merit in the petition, it is ordered to be dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case and the Family Court shall proceed to decide the main petition instituted by the respondents under Section 125 of the Code on its own merits.

(SUVIR SEHGAL)
JUDGE

23.05.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes