

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 252

CRM-M-29567-2018

Date of decision : 16.03.2022

Veer Singh

..... Petitioner

VERSUS

Usha Rani and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Gill, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition challenge is made to the order dated 12.09.2014 passed by the Sub Divisional Judicial Magistrate, Tohana (for short, the Trial Court) through which the petitioner was directed to pay monthly maintenance to his wife and his minor son @ Rs.2500/- each. Also under challenge is the order dated 15.01.2016 passed by the Sessions Judge, Fatehabad (for short, the Revisional Court) through which the petitioner's revision petition filed by him against the aforesaid order of the Trial Court was dismissed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that respondent No.1 filed an application before the Trial Court under Section 125 Cr.P.C. through which she claimed from the petitioner maintenance for herself and the minor son of the parties. The case set up by her was that the petitioner and respondent No.1 were married on 02.12.2007 but soon thereafter the petitioner started harassing and humiliating respondent No.1 on account of insufficient dowry. A panchayat was convened to get the matter settled but to no avail and in February, 2009, when respondent No.1 was pregnant, the petitioner and his family members threw her out of her matrimonial home and ever since she, alongwith her son, was residing with her parents.

The factum of marriage between the petitioner and respondent No.1 and that the respondents were presently living separately was admitted. In the light of such

admission and after coming to the conclusion that the petitioner had forced respondent No.1 to leave her matrimonial home, the Trial Court, on the basis of a jamabandi Ex.PA wherein the petitioner alongwith his brother was shown to be owner in possession of 22 kanals and 4 marlas of agricultural land at Sirsa directed the petitioner to pay to each of the respondents Rs.2500/- per month from the date of filing of the application by respondent No.1. In addition, the petitioner was also directed to pay litigation expenses @ Rs.500/-.

Learned counsel for the petitioner submits that the petitioner had filed a petition under Section 9 of the Hindu Marriage Act, 1955 (for short, the Act) for restitution of conjugal rights but in spite of the same respondent No.1 failed to join the petitioner's company. Therefore, the respondents were not entitled to any maintenance.

A perusal of the order dated 15.10.2010 passed in the proceedings initiated by the petitioner under Section 9 of the Act reveals that the petitioner had withdrawn his application and this was after respondent No.1 had appeared in such proceedings and stated that she does not want to live with the petitioner as she apprehends danger to her life.

In the light of the above, the impugned orders warrant no interference especially when the petitioner is found to be jointly owner in possession of 22 kanals and 4 marlas of agricultural land at Sirsa as also because till date he has only paid Rs.1 lakh to the respondents with other arrears still outstanding towards him.

Dismissed.

16.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No