

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

Sr. No.214

CRR(F)-118-2014 (O&M)

Date of decision: 09.03.2022

Sushil @ Shillu

....Petitioner

Versus

Shobha

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ramender Chauhan, Advocate
for the petitioner.

None for the respondent.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition challenge is made to the order dated 12.05.2014 passed by the District Judge (Family Court), Bhiwani (for short – the Trial Court) through which an application filed by the respondent-wife under Section 125 Cr.P.C. has been allowed.

The respondent-wife filed an application under Section 125 Cr.P.C. before the Trial Court seeking therein maintenance. The case set up by the respondent was that the petitioner and respondent No.3 got married 15 years ago; at the time of marriage, the parents of the respondent had given sufficient dowry but the same did not please the petitioner's family members; the respondent was taunted by the petitioner's family members for bringing insufficient dowry; continuous harassment at the hands of the petitioner and his family members drove the respondent out of her matrimonial home; on the asking of her parents, the respondent came back to live in her matrimonial home but the harassment and humiliation continued; three children were born out of the wedlock and that due to continuous beatings the respondent came to live with her parents.

On being put to notice, the petitioner appeared before the Trial Court and filed a reply through which he submitted that the respondent was a quarrelsome lady who had threatened the petitioner to involve him in a false case; the respondent was living in adultery and therefore had left her matrimonial home; the petitioner tried to bring her back but to no avail and that the respondent was not entitled to any maintenance also for the reason

that she was earning through sewing and embroidery work.

Learned counsel for the petitioner submitted that the respondent was not entitled to any maintenance as she, on account of having an affair, had on her own, left the matrimonial home and that in spite of the same, the petitioner was still ready and willing to take her back.

The afore submission made on behalf of the petitioner is liable to be rejected in view with the findings recorded by the Trial Court that to prove the charge of adultery by the respondent no cogent or convincing evidence had been produced by the petitioner. None has been brought to the notice of this Court as well.

In the light of the above and because the respondent had duly proved before the Trial Court that she was driven out of the matrimonial home on account of humiliation and harassment at the hands of the petitioner/his family members, there is no reason to interfere with the impugned order which awards maintenance of Rs.3000/- per month to the respondent which amount is even less than the prescribed minimum wages.

Dismissed.

March 09, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No