

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 112

Criminal Revision (F) No.122 of 2023

Date of Decision: January 24, 2023

Gaganpreet Singh

..... PETITIONER(S)

VERSUS

Gursharan Kaur

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Prabhjot Singh, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition against the order dated 09.11.2022 passed by the Family Court whereby interim maintenance of ₹ 20,000 per month has been awarded to the respondent-wife, besides litigation expenses of ₹ 20,000, on an application under Section 125 Cr.P.C. filed by her claiming maintenance.

2. Learned counsel for the petitioner contends that the petitioner has already filed a petition under Section 12 (1)(c) of the Hindu Marriage Act, 1955, for annulment of the marriage between the parties on the ground that the respondent-wife concealed the fact of her being suffering from Schizophrenia. In case, the decree is granted to the petitioner and the marriage is annulled, the respondent-wife would not be entitled to any maintenance. Secondly, it has been contended that the petitioner has old parents to look-after and keeping that fact in view, the amount of interim maintenance should have been fixed.

3. A perusal of the impugned order shows that admitted monthly income of the petitioner is ₹ 60,000. The total annual income, as per ITR for the year 2022-23, is ₹ 8,51,640 per annum. Accordingly, his monthly income was assessed as ₹ 70,000 per month, by the Family Court. Based upon that, amount of interim maintenance has been granted to the respondent-wife. Merely because a petition for annulment of marriage has been filed by the petitioner, it cannot be assumed that marriage would be annulled on the ground pleaded by him. Filing of the petition for annulment of marriage in itself cannot be a ground to deny interim maintenance to the respondent-wife. Besides, even if the petitioner is required to take care of his old parents, that cannot be a ground to avoid his responsibility towards the respondent, who undisputedly is his wife. In view thereof, there is no ground to entertain the petition.

4. Dismissed.

(Tribhuvan Dahiya)
Judge

January 24, 2023
avin

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>