

CRR (F)-986-2022

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

(107)

CRR (F)-986-2022.

Date of Decision:-13.01.2023.

Anju Rani

.....Petitioner

Versus

Ravi Bhushan @ Ravi Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. R.P. Singh Ahluwalia, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

Vide order dated 29.11.2022, a query has been raised as to how the provisions of Section 125 Cr.P.C. would be applicable, as the petitioner is claiming herself to be an illegitimate child of the respondent.

Learned counsel for the petitioner has submitted that a bare perusal of the provisions of Section 125 (1) (b) of Cr.P.C. includes the illegitimate minor child and, hence, the petition under Section 125 Cr.P.C is maintainable.

On merits, learned counsel for the petitioner submits that the petitioner is the daughter born out of live-in-relationship on 05.05.1999 between her mother and one Ravi Bhushan @ Ravi Kumar. She being illegitimate child of the respondent, was entitled for maintenance for which she approached the Family Court, Yamuna Nagar.

Vide order dated 10.08.2022, the learned Court below

CRR (F)-986-2022

dismissed the said petition, against which the petitioner is in the present revision petition.

Learned counsel for the petitioner has argued that the learned Court below has failed to appreciate the cogent evidence and has negated the fact that the respondent did not step up into the witness box and, hence, the testimony of the petitioner should have been accepted. In the absence of the rebuttal to the documents Mark A-1, A-2 and A-3 and photographs Exhibit P-1 and P-2 could not have been negated and should have been relied upon by the learned Court below.

A perusal of the impugned order shows that the respondent had filed its response and had also placed on record the Birth Certificate of the petitioner in which the name of her father was duly recorded as Rulda Ram. It has also come in evidence that mother of the petitioner Karmo Devi was married to Rulda Ram but the petitioner claims that Karmo Devi got a Panchayati Divorce from Rulda Ram in the year 1997, whereas, the petitioner was born in 1999. However, there is no evidence on record to show the date of such divorce or any Panchayati Divorce granted to the mother of the petitioner.

It is alleged by the petitioner that in fact it was the respondent who got recorded the name of Rulda Ram as father of the petitioner in the Birth Certificate attached as Exhibit R-1. The said contention of the petitioner cannot be accepted for the reason that the Birth Certificate is the first document prepared to identify the child. The respondent, by no stretch of imagination, could have contemplated that he would be facing a litigation after 15-16 years and, therefore, in order to defend himself, he got registered the name of Rulda Ram as father of the petitioner.

CRR (F)-986-2022

Accordingly, although the application by illegitimate minor child is entitled to maintain an application under the provisions of Section 125 Cr.P.C. but in the present case, the petitioner has failed to demonstrate that she is illegitimate child of the respondent. More so, the testimony of the mother of the petitioner is self-contradictory with regard to her relationships. Be that as it may, the present petition is only for grant of maintenance which the petitioner is held not entitled to. The birth certificate is a cogent proof which has been rightly relied upon by the Court below and has not been rebutted by the petitioner.

Accordingly, finding no infirmity in the order dated 10.08.2022 and no merit in the present petition, the same is dismissed.

(ALOK JAIN)
JUDGE

January 13, 2023.

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No