

In the High Court of Punjab and Haryana at Chandigarh

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CRR(F)- 892 of 2022(O&M)

Date of Decision: 14.02.2023

Chhinder Kaur

---Petitioner

versus

Ranjit Singh

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. L.S.Sidhu, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM-36381 of 2022

Allowed as prayed for.

CRR(F)-892 of 2022

The petitioner, through the instant petition, is seeking quashing of order dated 30.08.2022 whereby Family Court has allowed application of the respondent seeking dismissal of petition under Section 125 Cr.P.C. filed by the present petitioner.

The respondent preferred a petition under Section 11 of the Hindu Marriage Act seeking decree of nullity of marriage between him and petitioner herein. The Family Court vide judgment dated 15.11.2021 passed decree of nullity of marriage. On the basis of decree of nullity of marriage, the respondent moved an application before Family Court seeking dismissal of petition under Section 125 Cr.P.C. filed by the petitioner. The Family Court vide impugned order 30.08.2022 dismissed petition of the petitioner holding that marriage stands declared null and void, thus, petitioner is not entitled to maintenance in terms of Section 125 Cr.P.C.

Learned counsel for the petitioner inter alia contends that petitioner has preferred FAO No. 636 of 2022 before this Court seeking setting aside of decree of nullity of marriage, thus, petition under Section 125 Cr.P.C. could not be dismissed by the Family Court.

There is no stay against decree dated 15.11.2021 whereby marriage stands declared null and void.

On being confronted with this fact, learned counsel for the petitioner conceded that FAO is pending before this Court but there is no stay. Thus, as on date, decree of nullity of marriage exists and relation of husband wife does not exist between petitioner and respondent.

In view of these facts and circumstances, this Court finds that Family Court has rightly dismissed petition of the petitioner under Section 125 Cr.P.C. There is no legal or factual infirmity in the impugned order, thus, no interference is warranted by this Court.

In view of pendency of FAO No. 636 of 2022 before this Court, the petitioner is at liberty to move an appropriate application before Family Court if petitioner succeeds and decree of nullity is set aside by this Court.

Dismissed.

(JAGMOHAN BANSAL)
JUDGE

14.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No