

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

115

CRR(F)-27-2023 (O&M)
Date of Decision:20.01.2023

Gurmeet Singh

..... Petitioner

Versus

Rupinder Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Amandeep Chhabra, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

CRM-709-2023

For the reasons stated in the application, the same is allowed
and delay of 28 days in filing the petition is condoned.

CRR(F)-27-2023

The petitioner through instant petition is seeking setting
aside of order dated 09.09.2022 whereby Principal Judge, Family Court,
Barnala, in terms of Section 125 of Cr.P.C. has granted interim
maintenance of Rs.4,000/- per month to the respondent.

Learned counsel for the petitioner *inter alia* contends that
the respondent has got re-married, thus, she is not entitled to
maintenance in terms of Section 125 Cr.P.C. The trial Court ignoring the
factum of marriage of respondent has awarded maintenance of Rs.4,000/-
per month. The petitioner is striving hard to earn his livelihood, thus, the
Trial Court has wrongly granted the maintenance.

I have heard argument of learned counsel for the petitioner

and scrutinized the record.

The Family Court, vide order dated 09.09.2022 has awarded maintenance of Rs.4,000/- per month. The relevant extracts of the order read as:-

“So far as the earnings of the respondents are concerned : although he has stated that he does not own any land, but, in his cross-examination he has admitted that they are two brothers. His father owns 6 kharas of land and his brother 4 kharas of land and thus, even if he has sold his land, he can not be equated as a labourer and is having skills enabling him to work as a farmer and thus, income can be easily assessed in the range of Rs.12,000 to Rs.14,000/- and thus, the lady is held entitled to maintenance @ Rs.4000/- per month. The perusal of the file reveals that after an application had been filed by the respondent, the applicant had admitted that she has performed her marriage with one Kewal Singh on 18.10.2020 and thus, the lady would be entitled to maintenance from the date of filing of this application till 18.10.2020.

12. So, respondent Gurmeet Singh is hereby directed to pay maintenance @ Rs.4000/- per month to applicant from the date of application, till 18.10.2020, Application in hand stands allowed accordingly. File be consigned to the record room.”

From the perusal of above findings recorded by trial Court, it is quite evident that the trial Court has awarded maintenance till the date of re-marriage and the trial Court has specifically noticed the factum

of the 2nd marriage of the respondent, thus, contention of the petitioner is not sustainable.

In view of the above, this Court does not find any merit in the present case, thus, the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

20.01.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>