

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-161-2023(O&M)
Date of decision:09.01.2024

Gurnam SinghPetitioner

Versus

Ratandeep KaurRespondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. S.K.Biriwal, Advocate
for the petitioner.

Harpreet Kaur Jeewan, J.(Oral)

1. Prayer in the present revision petition is for setting aside the order dated 06.12.2022 passed by the Additional Principal Judge, Family Court, Camp Court Bilaspur Yamuna Nagar at Jagadhari whereby the petitioner had been directed to pay interim maintenance @ Rs. 10,000/- per month to the respondent-wife.

2. Learned counsel for the petitioner contends that the impugned order is liable to be set aside. The marriage between the petitioner and the respondent was solemnized on 07.11.2005 and thereafter, no child was born out of the wedlock. As such the respondent told the petitioner that she has no objection if the petitioner performs second marriage and also executed an affidavit (Annexure P-1), as such petitioner solemnized second marriage on 22.06.2015 with one Priyanka Saxena who was resident of New Delhi. Out of the said wedlock three children were born. The petitioner was working as Sepoy in the Indian Armed Forces and his services were terminated due to the dispute raised by the respondent before the Authorities. The Head Quarter Western Command, Chandi Mandir granted interim maintenance allowance to the tune of Rs.10,000/- per month to the respondent. At that time, the petitioner was serving and getting salary but at the time of passing the

impugned order, the services of the petitioner were already terminated and he was only getting pension amounting to Rs. 28,174/-. He has the liability to

CRR(F)-161-2023(O&M)

-2-

2024:PHHC:002644

take care of his second wife and the children born out of the said wedlock. As such, the impugned order has caused great hardship to the petitioner as he is unable to pay that amount.

3. Keeping in view the facts on record, the issuance of notice to the respondent-wife is dispensed with.

4. I have considered the aforesaid submissions and gone through the reasons recorded by the Family Court to award interim maintenance to the respondent. The matrimonial relationship as husband and wife of the parties is admitted. It is an admitted fact that during the subsistence of the matrimonial ties with the respondent, the petitioner had performed a marriage with another female. The petitioner has alleged that the amount awarded by the Family Court is on a higher side on the ground that he has to take care of other family members who is second wife and the children out of the said wedlock. It is admitted that petitioner is earning a sum of Rs.28,174/- as pension. The allegations that there was consent of the respondent-wife is matter of evidence. The allegations *inter se* the parties would be adjudicated on merits at the time to final disposal of the petition filed by the respondent-wife under Section 125 Cr.P.C. The petitioner is yet to prove the legality of the relationship with the second wife. During the pendency of the petition under Section 125 Cr.P.C., awarding of a sum of Rs.10,000/- per month as interim maintenance is well justified as there is no documentary proof that respondent wife is earning.

5. In view of above reasons, no illegality is found in the findings arrived at by the Family Court while awarding the interim relief. As such, no merit is found in the present petition, and the same is accordingly dismissed.

6. Pending application(s), if any, shall also stand disposed of.

9th January, 2024
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No