



CRM-M-35974-2018 (O&M) -1-

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35974-2018 (O&M)

Date of decision: 09.05.2024

BALVIR KUMAR

...PETITIONER

V/S

GEETA @ ASHA RANI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lovit Gupta, Advocate for
Mr. Vikram Anand, Advocate
for the petitioner.

Ms. Karamjeet Sharma, Advocate
for the respondent.

HARPREET SINGH BRAR J. (ORAL)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking setting aside of the impugned order dated 05.06.2018 passed by learned Additional Sessions Judge, Jalandhar (Annexure P-4).

2. Brief facts of the case are that the petitioner and respondent solemnized their marriage on 24.11.1999 as per Hindu Rites and Ceremonies. No child was born out of the wedlock. However, matrimonial dispute ensued between the couple and the respondent filed a petition under Section 125 Cr.P.C. seeking maintenance. The petitioner filed a reply and contested the claim made by the respondent. The learned Family Court vide order dated 05.06.2018 granted interim maintenance allowance of Rs. 3,000/- per month in favour of the respondent. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner *inter alia* contends that learned trial Court has passed a well reasoned order after duly appreciating the documents available on record while learned Appellate Court below has failed



to consider the case of the petitioner in the right earnest. It is further contended that learned trial Court has rightly concluded that respondent-wife has withdrawn from the society of the petitioner without any justifiable cause and further she does not fall into the category of 'unable to maintain herself'. The trial Court has rightly appreciated that the petitioner is willing to re-rehabilitate the respondent-wife and the application filed by the respondent for setting aside the ex-parte order under Section 9 of Hindu Marriage Act was dismissed.

4. Per contra, learned counsel for the respondent-wife submits that learned trial Court had failed to appreciate that the petitioner has neglected to maintain the respondent without any sufficient cause or reason and he has treated her with cruelty and deserted her and the learned trial Court has dismissed the maintenance petition of the respondent-wife only on the ground that she has not joined the company of the petitioner despite passing of the decree under Section 9 of the Hindu Marriage Act.

5. Having heard the learned counsel for the parties and after gone through the record with their able assistance, this Court finds that learned trial Court has not considered the deposition of respondent as PW-1, where she has categorically stated in her cross-examination that she had gone to the house of the petitioner and lived with his him in pursuance of the decree of restitution of conjugal rights, but she was thrown out of the matrimonial house by her husband and after evaluating the material and the evidence adduced by both the parties, learned Appellate Court below has rightly concluded that petitioner is an able bodied person and he has potential to at least earn Rs. 10,000/- per month and keeping in view the prices of the essential commodities and high inflation rates, petitioner was directed to pay only Rs. 3,000/- per month.



CRM-M-35974-2018 (O&M)

-3-

6. The object and purpose behind granting maintenance is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other spouse. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also falls within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India. The same has been duly settled by the Hon'ble Supreme Court through the respective judgements rendered in the cases of *Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375*; *Kirtikant D. Vadodaria v. State of Gujarat (1996) 4 SCC 479* and *Rajnish v. Neha and another (2021) 2 SCC 324*.

7. This Court, thus, does not find any perversity in the judgment rendered by the learned Appellate Court below and the present petition is dismissed, being bereft of any merit.

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

May 09, 2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned
(ii)	Whether reportable

Yes/No
Yes/No