

Sr. No.124

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56620-2023 (O&M)
Date of decision: 20th January, 2024

GURBACHAN SINGHPetitioner

versus

BALJEET KAURRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Harmeet Kaur Chanan, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. has been filed seeking a relief of quashing of impugned order dated 31.08.2023 whereby the petitioner has been directed to pay the entire arrears of maintenance @ Rs.7,000/- per month which were granted as per order dated 06.03.2023 as interim maintenance under Section 125 Cr.P.C.
2. Learned counsel for the petitioner contends that the respondent-wife has filed a petition for grant of maintenance under Section 125 Cr.P.C before the Family Court, Ludhiana, whereby the petitioner was proceeded against ex parte. The marriage between the parties was solemnized on 25.03.2015 and after marriage, the petitioner came to know that respondent No.1 was already married with one Harjinder Singh s/o Mukhtiar Singh r/o Village Sangla, District Moga, and from the said wedlock, two children namely Ramanpreet Singh and Manpreet Kaur were born. The said marriage still subsists and is not dissolved. Thereafter, with the intervention of the respectables, a Panchayati Divorce dated 06.08.2018 was effected between the petitioner and respondent No.1. Both the parties mutually decided to dissolve their marriage and respondent No.1 also executed an affidavit in the shape of a declaration (Annexure P-1) but thereafter, respondent No.1 refused to file a joint petition for divorce. The petitioner had also filed a civil suit for declaration as well as for permanent injunction before the Family Court, Ludhiana

seeking a relief that the marriage between the petitioner and respondent No.1 was null and void *ab initio* (Annexure P-2). Even the Commissioner of Police, Ludhiana, upon a complaint filed by respondent No.1, inquired the matter and gave a conclusion report (Annexure P-3) that the marriage between the parties was already dissolved by Panchayati Divorce dated 06.08.2018. Despite that, the Family Court, Ludhiana has passed an *ex parte* order dated 06.03.2023 whereby, the petitioner has been directed to pay *ad interim* maintenance @ Rs.7,000/- per month. In the application for setting aside the *ex parte* order filed by the petitioner, the Family Court permitted the petitioner to join the investigation only by clearing all the arrears of maintenance within a period of 02 months. The said order is punitive.

3. After arguing for some time, learned counsel for the petitioner contends that the petitioner is ready to comply with the impugned order if he is permitted some time.
4. Keeping in view the innocuous prayer made by the petitioner, issuance of notice to the respondent No.2 is dispensed with.
5. The petitioner is directed to deposit a sum of Rs.20,000/- with the Family Court within a period of 07 days from today by way of a demand draft in favour of the respondent and he shall deposit the remaining arrears within a period of 02 months thereafter. In the event of the petitioner depositing a sum of Rs.20,000/- before the Family Court, no coercive action be taken against him.
6. With the aforesaid conditions, the present petition stands allowed. The impugned order dated 31.08.2023 is set aside.
7. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20th January, 2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No