

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-57673-2024 (O&M)

Date of Decision: 20.11.2024

Harpreet Kaur

.... Petitioner

Versus

Bhupinder Singh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Harpreet Kaur, petitioner in person.

NIDHI GUPTA, J.

CRM-45836-2024

Prayer in the present application under Section 528 BNSS is
for seeking permission to appear and argue as petitioner in person.

Heard.

In view of averments mentioned in the application, the same
is allowed.

CRM-M-45836-2024

Prayer in the present petition is for issuing directions to
learned Family Court to dispose of the litigation in a time bound manner;
direct respondent/husband to pay litigation expenses; and Rs.1,50,000/-
from the date of filing application (Annexure P-2) for repair of house.

2. The petitioner, who is present in person submits that out of
the marriage of the petitioner and the respondent, 2 girls were born, who
is in the care and custody of the respondent/husband. The
respondent/husband is running the finance business under the name and
style of Farid Finance Company near Municipal Committee office,



Rupnagar and earns about Rs.1,50,000/-p.m. from all sources. A petition bearing No. MNT 125-134-2019 titled as '*Harpreet Kaur vs. Bhupinder Singh etc.*' under Section 125 Cr.P.C. has been filed by the petitioner on 21.11.2019 for grant of ad-interim maintenance in which notice to the respondent has been issued vide order dated 22.11.2019. Thereafter, another application has been filed by the petitioner on 15.10.2020 for directing the respondent to pay Rs.58,000/- for repair of her residential house. Learned counsel for the respondent had put in appearance on 15.10.2020 and the matter was adjourned for filing reply to the application under Section 125 Cr.P.C. Vide orders dated 11.11.2020 and 19.11.2020 passed by learned family Court, the case is adjourned for reply as well as for consideration on application for interim maintenance. However, on 04.01.2021, the petitioner withdrew the application for directing respondent to pay Rs.58,000/- for repair of residential house. Thereafter, second application has been filed for grant of Rs.30,000/- as litigation expenses and Rs.58,000/- as repair of the residential house on 15.02.2024. The third application having similar prayer has been filed by the petitioner on 19.04.2024. Vide zimni orders dated 07.05.2024, 17.05.2024, 30.07.2024, 10.09.2024, 20.09.2024 and 04.10.2024, the case has been adjourned. Vide order dated 25.10.2024, now the case is fixed for evidence of respondent on 19.11.2024. Thus, it is prayed that her petitioner under Section 125 Cr.P.C. be disposed of in a time bound manner; as also respondent/husband be directed to pay litigation expenses and Rs.1,50,000/- for repair of residential house as her house is in dilapidated condition and she does not have means to bear litigation expenses.



3. No other argument is raised by the petitioner.

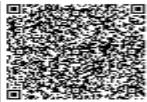
4. Heard.

5. Perusal of the case file shows that the petitioner was married to respondent. Two girls were born out of their wedlock, who are currently in the sole care and custody of the respondent. Due to matrimonial discord, the parties are living separately. The petition under Section 125 Cr.P.C. was filed on 21.11.2019 without furnishing necessary details therein such as date of marriage, date of separation and reason for separation etc.

6. On a Court query, the petitioner-wife admitted that she is well qualified as she has done M.Sc. and both the children are in the care and custody of the respondent-husband. The petitioner has also admitted that her father-in-law has given a shop for doing embroidery and stitching work to the petitioner.

7. The petitioner is admittedly an able-bodied person, but on a query, the petitioner has admitted that she is not working. At this juncture it would be apposite to refer to the judgment of the Hon'ble Karnataka High Court in **Shilpashree J.M. vs. Gurumanjunatha A.S., 2023 SCC OnLine Kar 36**, wherein it has been held as under:-

“8.The records also disclose that before marriage petitioner No. 1 was working as is evident from her cross-examination. Her cross-examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present



petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband”.

(Emphasis added)

8. I am in complete concurrence with the above said view expressed by the Karnataka High Court. There is nothing whatsoever on record to suggest that the petitioner is physically disabled or unable to maintain herself. As such, it is the bounden duty of the petitioner also to make some effort for her own upkeep.

9. In view of what has been discussed here-in-above, I find no ground whatsoever to interfere in the present case and the same is hereby **dismissed.**

10. However, nothing stated here-in-above shall be construed to be an expression of opinion on the merits of the matter.

20.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No