



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

102 (2)

CRR-477-1988 (O&M)
Date of decision:17.03.2026

JARNAIL KAUR

...PETITIONER

VERSUS

NACHATTAR SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Nitin Verma, Advocate for
Mr. S.K. Chawla, Advocate
for petitioner.

None for respondents.

PARMOD GOYAL, J. (ORAL)

Present criminal revision petition has been preferred by petitioner-wife being aggrieved by impugned judgment dated 11.12.1987 passed by learned Additional Sessions Judge, Faridkot, whereby revision preferred by respondent-husband against order dated 09.01.1987 passed by learned Judicial Magistrate, First Class, Muktsar, holding petitioner-wife to be legally wedded wife of respondent-husband and entitled to maintenance of Rs.200/- per month, was allowed. Criminal revision preferred by petitioner-wife for enhancement of maintenance allowance from respondent-husband was dismissed.

3. It is asserted that in Civil Appeal No.RT 239 dated 19.09.1989 preferred against judgment and decree dated 11.11.1988 passed by the learned Sub-Judge First Class, Didderbaha, whereby suit for declaration preferred by petitioner-wife for entitlement of maintenance of Rs.500/- per month and recovery of Rs.18000/- as arrears along with first charge over the joint land falling to the share of respondent-husband was dismissed, learned Additional District Judge, Faridkot, vide judgment and decree dated 15.03.1995 set aside the judgment dated 11.11.1988 and held petitioner-wife

maintenance of Rs.500/- per month and recovery of Rs.18000/- as arrears along with first charge over the joint land falling to the share of respondent-husband was further allowed.

3. It is contended that since the findings of learned Appellate Court in Civil Appeal No.RT 239 dated 19.09.1989 has attained finality as regular second appeal preferred by respondent-husband has since been dismissed for non-prosecution by this Court. Therefore, the impugned judgment dated 11.12.1987 passed by learned Additional Sessions Judge, Faridkot is liable to be set aside.

4. I find merit in the contention raised on behalf of learned counsel for petitioner-wife. The findings of learned Civil Court regarding marital status of parties is binding on criminal courts and therefore, the finding given by Civil Court regarding marital status has to be accepted.

5. In view of judgment and decree dated 15.03.1995, judgment and decree dated 11.12.1987 passed by learned Additional Sessions Judge, Faridkot is set aside.

6. Moreover, judgment dated 11.12.1987 is liable to be set aside as very basis of passing of judgment i.e. alleged failure on the part of petitioner-wife to identify respondent-husband Nachattar Singh when he appeared along with his counsel on 03.01.1986 has been recorded by ignoring evidence of PW-2 to PW-5 who had duly proved marriage. Admittedly, petitioner-wife had stayed only for 2/3 days with respondent-husband and is rustic villager, therefore, trial Court could not have solely relied upon on this fact to reject marriage. The other ground taken by Court below is that in voter list name of respondent-husband as Nachattar Singh is

not shown. Again this is not sufficient to dislodge otherwise consistent and reliable evidence of PW-2 to PW-5.

7. Findings of learned Civil Courts holding petitioner-husband to be legally wedded wife of respondent-husband is binding on criminal Courts. Revision petition is accordingly allowed. Impugned order dated 11.12.1987 is accordingly set aside. However, no interference is warranted for increase of maintenance under Section 125 of Cr.P.C. in view of fact that same was increased to Rs.500/- by the Civil Court.

8. In view of above, present criminal revision petition is allowed.

9. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

17.03.2026

Sunil Chander

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No