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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-710-2025 (O&M)
Date of Decision: 16.05.2025

Malkeet Singh

...Petitioner(s)

Versus

Bakshish Kaur

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuljit Singh, Advocate, for
Mr. Yogesh Kumar Aneja, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed challenging the impugned order dated 18.02.2025 passed by the learned Additional Principal Judge, Family Court, Amritsar by which maintenance of Rs. 12,500/- per month has been granted to the respondent-wife.

2. Learned counsel appearing on behalf of the petitioner submitted that in the present case the respondent-wife was not entitled for maintenance in view of the fact that the respondent-wife has not been able to prove that there was any marriage solemnised between the parties and in fact there was no marriage between the parties and therefore, the provisions of Section 125 of the Code of Criminal Procedure could not have been invoked and such maintenance could not have been granted. He also submitted that there was no child born and the allegations made by the respondent-wife that they have cohabited together are false since there was



no relationship between them and therefore, the impugned order may be set aside.

3. I have heard the learned counsel for the petitioner.

4. As per the contentions of the respondent-wife in a petition under Section 125 of the Cr.P.C, she has so averred that the marriage between the petitioner and the respondent was solemnised on 16.12.2018 according to Sikh Rites and Rituals at Gurudwara Chevin Patshashi, Ranjit Avenue, Amritsar and thereafter the parties cohabited together but no child was born out of the wedlock. It has also been so stated by the respondent-wife that it was a love marriage between the parties and the marriage was solemnised in a simple manner. The petitioner-husband is stated to be working in the Indian Army and he had come on leave from 16.12.2018 to 20.12.2018 and as per the respondent-wife, the marriage was duly consummated and they lived together till 20.12.2018 at Amritsar.

5. A perusal of the impugned order would also show that the petitioner was proceeded *ex parte* and thereafter, he filed an application for setting aside of the *ex parte* proceedings but the same was dismissed by the learned Family Court. The petitioner-husband has neither got cross examined any of the witnesses put forth by the respondent-wife nor has he led his own evidence. So far as the marriage between the parties is concerned, once it was so averred and alleged by the respondent-wife that there was a marriage existing between the parties which was solemnised on 16.12.2018 at Amritsar, it was the onus upon the petitioner-husband to have disproved the same or to lead evidence that there was no marriage but he did not lead any evidence to that effect. So far as the income of the petitioner is



concerned, it was proved on record by the respondent-wife by examining an official from Delhi Cantt. as PW2 and proved on record that the petitioner was doing a job in Indian Army and getting a salary of Rs. 57,278/- per month. In this way, maintenance of Rs.12,500/- per month has been fixed for the respondent-wife. The respondent-wife is stated to be not having any source of income. The present is a revision petition of which the scope is very limited. This Court has not been able to find any illegality or perversity in the order passed by the learned Additional Principal Judge, Family Court, Amritsar.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

16.05.2025

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No