Sukhjeet Kaur vs Harpreet Singh COMA 01-2018

Present : Sh. P.N. Sharma, Adv. counsel for applicant.
Sh. Bhupesh Khurana, Adv. counsel for respondents No.1 to 3.
Respondents No. 4 to 6 ex-parte.

Arguments on application under Protection of Women from Domestic Violence Act 2005 for interim orders heard.

2. As per this application applicant No. 1. Sukhjeet Kaur was married to respondent on 10.07.2015 by way of Anand Karaj at Lehragaga, Tehsil Moonak. After the marriage applicant No. 1 moved with her husband and his family and performed all duties towards them. At the time of marriage he was presenting himself as a permanent Government employee as Clerk in Punjab University, Chandigarh whereas after marriage it was revealed that he is serving as a Peon in the University on contract basis. The applicant accepted that time it as her fate and resided with him. Applicant No. 2 was born out of their wedlock but they are greedy persons and are harassing her for dowry by treating her with cruelty. They are demanding more dowry, cash and a Verna Car. She was expelled from her matrimonial home and was refused to live with him. She is a qualified nurse and was serving in a private hospital and all of her salary was snatched every month and she was forced to work. She was beaten many times. She had to leave her job. Now, she is not in a position to earn for herself and her daughter, her parents are poor and are not able to fulfil the demands of respondents. She requested respondents to rehabilitate her or to pay her maintenance but they refused. So she has to file this petition. In this petition, she has prayed that Rs. 20,000/- should be granted to her per month for herself as well as for her daughter and Rs. 5,000/- should be provided to her as rent for the accommodation equivalent to the standard of shared household in which she was residing with the respondent No. 1 after her marriage. She has prayed for this relief from respondent till the disposal of this case as well as for further period for her further lifetime.

3. On notice, the respondent Nos 1 to 3 appeared whereas respondents No. 4 to 6 were ex-parte. Respondents No. 1 to 3 have taken the preliminary objections that this petition is not maintainable in the present form. If a woman does not want to live in the safe and secure to roof of her husband and perform her matrimonial duties then she is not

entitled to any relief. She is estopped claiming any relief, she is estopped from her own act and conduct. The act is for weaker sections of society but the ladies like petitioner are using this act as her sword not as shield. Respondent No. 1 has stated that he was always ready and is still ready to take her back in this home. On merits also, he has replied. He has stated that the real facts are that a Pandit told respondent No. 1 that he is a Manglik that he should solemnize marriage with the Manglik girl otherwise he will be in trouble. In order to find a Manglik girl, classified in newspaper was published by stating that he is a temporary employee in Punjab University. After inquires and after seeing application, the parents of petitioner No. 1 agreed to perform marriage as she was also a Manglik girl. It was already agreed that there will be no giving and taking except some customary items and marriage was solemnized in a simple way only 25 persons attended the marriage ceremony, only some clothes and little quantity of gold wear was given to petitioner No. 1 by her parents which is still in her custody in bank locker. Further, they have replied that petitioner has not mentioned any date, month or year when the cruelty happened and have submitted that the information of petitioner No. 1 is only to take divorce from respondent No. 1 by filing false case against his family. It has also been submitted that respondent No. 1 is a simpleton person. They have prayed for dismissal of petition as well as application with costs.

4. After considering the arguments and pleadings of both parties, this Court has found that the marriage has not been denied by the respondents. Perusal for file also reveals that application was moved by petitioner No. 1 for directing the respondent to place the list of articles of her lying at his house. Respondent Harpreet Singh also have moved an application for directing the petitioner to effect compromise on the basis of compromise written, executed between the parties or refer the dispute before Mediation Centre. Parties remained arguing on those applications also. It is clear that it is always the attempt of Courts to settle the matters by way of amicable statements but as a matter of record at no point of time both parties were present in person together counsel for both parties remained arguing for this matter also but when this Court found that they are not intentionally appearing before this Court for reference of the matter to Mediation Centre, it was held that let, the case be decided on merits. That is why, this application has been heard. When respondent

No. 1 has not denied the factum of marriage, he is bound to maintain his wife as well as his daughter. He has simply replied that he is working on contract basis which implies that he is not idle man. Even if he is an idle man, he will have to maintain his family but here he has pleaded that he is working on contract basis. Petitioner No. 1 has submitted that she had to leave her job so now she is work less. Petitioner No. 2 is a minor child so this Court is of the firm opinion that all of the averments of both parties shall remain a subject to evidence however till the disposal of this petition. The respondent No. 1 is directed to maintain petitioner No. 1 by making payment of Rs. 2,500/- per month and Rs. 1,000/- to petitioner No. 2 per month from the date of application and Rs. 2,000/- monthly be paid to petitioner No. 1 for rent of the residential accommodation for both petitioners.

5. The case is adjourned to 19.11.2018 for evidence of petitioner and for making payment by respondent No. 1 to petitioners.

Date of order : 09.10.2018
Manoj Kumar
Stenographer-III
Next Date : 19.11.2018
Purpose :

(Pushpa Rani), PCS
SDJM, Moonak
(UID-PB0279).