

Shallu Vs. Ashok Kumar
CNR No.PBFZC20027342018

(1)

**IN THE COURT OF SH.PRADEEP SYNGHAL,
JUDICIAL MAGISTRATE IST CLASS, FAZILKA
(UID No.PB-0318)
Case No.35 of 20.02.2017
CIS No.MNT/25/2017.
CNR No.PBFZC20005452017
Date of Order:06.05.2019**

Shallu, aged about 35 years wife of Ashok Kumar @ Sonu S/o Sh.Puran Chand, (D/o Sh.Abnash Chander) R/o St.No.5-C, Kailash Nagar, Fazilka.

.....Applicant.

Versus

Ashok Kumar @ Sony (Panch) S/o Sh.Puran Chand, R/o Village Karni Khera, Tehsil & Distt.Fazilka.

.....Respondent.

Petition under Section 125 Cr.P.C for the grant of maintenance.

Present: *Sh.R.K. Sachdeva Advocate counsel for the petitioner.*
Respondent ex-parte

ORDER.

- 1) Present petition has been moved by petitioner seeking maintenance from respondent under Section 125 Cr.P.C.
- 2) The brief facts of the petition so pleaded by the petitioner are that the marriage of the petitioner was solemnized with the respondent on 19.06.2015 according to Hindu religious rites at Mandir of Ashwani Bhagat, Near Doctor Jassi Hospital Fazilka. The parents of the petitioner had spent considerable amount at

Pradeep Syngal, Judicial Magistrate Ist Class, Fazilka, 06.05.2019

the time of marriage of the petitioner as per wish and demand of the respondent and his family members. Soon after the marriage, it came to the knowledge of the petitioner that the respondent is always remain under the influence of liquor and under the influence of these vices, he used to maltreat and beat the petitioner on one pretext or the other. The respondent after giving severe beatings to the petitioner turned her out of her matrimonial house. The petitioner does not know any art or craft and is unable to maintain herself. The respondent is having sufficient source of income. The respondent is a Tailor master and his monthly income is more than Rs.40,000/- per month, but he used to spend the same only to fulfill his lust of vices. Moreover, the respondent is legally bound to make the payment of maintenance allowance so demanded. Hence, this petition.

- 3) Upon notice of the petition, respondent appeared through counsel but he did not file reply and also not appeared on 25.04.2019 and accordingly, respondent was ordered to be proceeded against exparte vide order dated 25.04.2019.

4) In ex-parte evidence, petitioner herself stepped into the witness box as AW1 and reiterated the averments as stated in the petition and further examined Manoj as AW2, who has deposed in support of case of the petitioner. Petitioner also tendered into ex-parte evidence photograph of marriage as well as Adhar Card as Ex.A2 and Ex.A3 respectively and closed the ex-parte evidence and matter was taken up for final arguments.

5) A careful consideration of the matter, in the light of argument addressed by learned counsel for the petitioner as well as evidence on record, it follows that pleadings of the petition have remained unrebutted on the record in view of absence of the respondent, who failed to contest the claim of the petitioner and chose to remain absent from the proceedings. Thus, above-said pleadings of the petition are supported by unrebutted and unchallenged evidence of AW-1 Shallu and AW2 Ashok Kumar. Thus, there is nothing on record to disbelieve the assertions of the petitioner that petitioner was harassed and beaten up by the respondent and was forced to leave her matrimonial house.

Further, she has no source of income to maintain herself while the respondent is a man of means and being husband of petitioner, it is the legal as well as moral duty of the respondent to maintain her but he is neglecting her. Hence, the petitioner is entitle to maintenance from the respondent but it is note worthy that petitioner has not produced on record any document to show respondent's income. In the absence of such evidence, it can only be said that petitioner is entitle to maintenance from the respondent by considering the respondent to be an able bodied person capable of earning.

- 6) Considering the entire facts and circumstances of the present matter, instant petition is allowed by way of grant of maintenance to the tune of Rs.3000/-per month to the petitioner, including litigation and all other expenses, to be paid by the respondent from the date of filing the present petition. File be consigned to the record room.

Pronounced.
Dated:06.05.2019.
Sameer Kathuria Stenographer III

(Pradeep Synghal), PCS,
Judicial Magistrate-1st Class,
Jagraon (UID no.PB0318).

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Present: *Sh.R.K. Sachdeva Advocate counsel for the petitioner.*
Respondent ex-parte

Two Aws are present and examined. Petitioner tendered into exparte evidence certain documents and closed her evidence.

Arguments heard. Vide separate detailed order of even date, instant petition is allowed by way of grant of maintenance to the tune of Rs.3000/-per month to petitioner, including litigation and all other expenses to be paid by the respondent from the date of filing the present petition. File be consigned to the record room.

Pronounced.
Dated:06.05.2019.
Sameer Kathuria Stenographer III

(Pradeep Synghal), PCS,
Judicial Magistrate-1st Class,
Jagraon (UID no.PB0318).