

Badshah vs Sou. Urmila Badshah Godse & Anr on 18 October, 2013

The argument raised was that in any case respondent could not be treated as “wife” of the petitioner as he was already married and therefore petition under Section 125 of the Cr.P.C. at her instance was not maintainable. The marriage between the petitioner and respondent was solemnized; respondent co-habited with the petitioner after the said marriage; and respondent No.2 is begotten as out of the said co-habitation, whose biological father is the petitioner.

The Court held that in a situation where the marriage between the parties has been proved. However, the petitioner was already married. But he duped the respondent by suppressing the factum of alleged first marriage. On these facts, he cannot be permitted to deny the benefit of maintenance to the respondent, taking advantage of his own wrong.

The Court referred the following judgements:

[Chanmuniya vs. Virendra Kumar Singh Kushwaha & Anr.](#) (2011) 1 SCC 141

[In Rameshchandra Daga v. Rameshwari Daga](#) AIR 2005 SC 422

[Capt.Ramesh Chander Kaushal vs. Veena Kaushal](#) (1978) 4 SCC 70

[Dwarika Prasad Satpathy vs. Bidyut Prava Dixit & Anr.](#) (1999) 7 SCC 675

[Savitaben Somabai Bhatiya vs. State of Gujarat & Ors.](#) (2005) 3 SCC 636

[Yamunabai Anantrao Adhav vs. Anantrao Shivram Adhay & Anr.](#) (1988) 1 SCC 530