

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
Cr. Revision (FC) No.45 of 2026
Decided on 29th September 2026

Sh. Om Parkash

...Petitioner

Vs.

Mrs. Bandana Kumari and another

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

¹Whether approved for reporting?

For the petitioner : Mr. Gaurav Bhardwaj, Advocate.

For the respondents : Mr. H.S. Rangra, Advocate.

Ajay Mohan Goel, Judge (Oral)

In terms of the last order, the parties are present in person in the Court. Whereas, Smt. Bandana Kumari expressed her desire to join the company of her husband, but, the husband, i.e., the petitioner, refused to take her back. In this backdrop, the matter is being heard on merit.

2. By way of this petition, the petitioner has assailed order dated 08.12.2025, in terms whereof, the petition filed by the respondents herein under Section 125 of the Code of Criminal Procedure for grant of maintenance has been disposed of by the learned Court below by ordering

maintenance to the tune of ₹8,000/- per month in favour of the wife and ₹7,000/- per month in favour of the minor daughter.

3. Having heard learned counsel for the parties and having perused the order under challenge, we are of the considered view that the same does not call for any interference.

4. Learned Court below took into consideration the fact that the petitioner was working as a Conductor in HRTC and his salary certificate demonstrated that his income at the relevant time was ₹34,188/-.

5. In fact, today learned counsel appearing for the petitioner fairly submitted that as of now, the income of the petitioner is about ₹42,000/- per month. Though, learned counsel submitted that the petitioner has to look after his aged father, however, we are of the considered view that this is no reason to deny maintenance to the wife and the minor daughter. The amount which has been awarded by the learned Court below, i.e., ₹8,000/- to the wife and ₹7,000/- to the minor daughter per month, cannot be said to be an exorbitant amount which calls for any interference from this Court.

6. In fact, before this Court, nothing was pleaded save and except the fact that the petitioner has an ailing father to look after. We reiterate that this contention of the petitioner does not preclude him from looking after his wife and minor child. The contention of the learned counsel that almost 44% of the income was being consumed by way of maintenance also does not impress us for the reason that now the income of the petitioner has increased to ₹42,000/- per month, as was submitted by the learned counsel for the petitioner. Further, as the minor daughter is of a young age, who obviously requires schooling etc., and is residing with the mother, this amount cannot be said to be on the higher side.

7. Besides, it has also been observed in the order by the learned Court below that whereas the petitioner herein failed to prove that the wife was earning any income from any other source, the minor child of the parties was admitted to be suffering from food pipe/intestinal disorder which required continuous medical care and proper nutrition.

8. In light of all these facts, the amount of ₹8,000/- per month as maintenance in favour of the wife and ₹7,000/- per month in favour of the daughter cannot be said to be such an exorbitant amount, which calls for any interference from this Court in exercise of its revisional jurisdiction.

9. Otherwise also, during the course of his arguments, learned counsel for the petitioner could not point out any jurisdictional error in the order that has been passed by the learned Court below.

10. Accordingly, in light of the above observations, the revision petition is dismissed, so also pending miscellaneous applications, if any.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 29, 2026
(*Vinod*)