

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Revision (FC) No.31 of 2026

Date of Decision: 29.09.2026

Sant Ram

.....Petitioner

pVersus

Kanta Sharma

.....Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?

For the petitioner: Mr. Rupinder Minhas, Advocate.

For the respondent: Mr. Nand Lal, Advocate.

Ajay Mohan Goel, J.*(Oral)*

By way of this petition, the petitioner has challenged the order passed by the Court of learned Principal Judge, Family Court, Mandi, in case Registration. No.1131 of 2024, titled Kanta Sharma vs. Sant Ram, decided on 17.01.2026, in terms whereof, in a petition filed under Section 146 of the Bharatiya Nagrik Suraksha Sanhita, 2023, for enhancement of monthly maintenance, learned Court below has allowed the petition by grant of monthly maintenance of ₹7,500/- to the wife.

2. Feeling aggrieved, learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as the evidence on record has not been correctly appreciated by the learned Court below. He argued that the respondent herein had sold some portion of her land for an amount of ₹26 lakh and

further, the respondent has willfully left the house of the petitioner without any intent to come back, and all these aspects of the matter have been ignored by the learned Court below. He also submitted that the means at the disposal of the present petitioner are not all that much that he can pay maintenance of ₹7,500 /-per month. No other point was raised.

3. On the other hand, learned counsel for the respondent has submitted that there is neither any illegality nor perversity in the impugned order. He submitted that the factum of the wife having sold some land of her own, has been duly disclosed to the learned court below, and in the order that has been passed by the learned court below, it stands duly recorded that this land was sold as the wife intended to build her own house. He further argued that the petitioner retired as a JBT Teacher and is drawing pension of more than ₹30,000/- per month as of now, and in these circumstances, the award of the enhanced maintenance to the tune of ₹7,500/- per month cannot be said to be excessive.

4. Having heard learned counsel for the parties and having gone through the impugned order, we are of the considered view that there is no perversity or illegality in the impugned order. It is not in dispute that the petitioner herein is a retired JBT Teacher and is drawing a pension from the government, which is, as of now, is more than ₹30,000/- per month. Though, the respondent, herein, has also retired as an Anganwari worker, but the holder of the post of an Anganwari Worker, which is not a civil post, cannot be compared to a government employee and that too a retired JBT Teacher. Further, the factum of the land having been sold by the respondent, herein, for an amount of Rs.26,00,000/-, has

been taken care of by the learned Court below and referred in Paras 12 and 15 of the impugned order, wherein, it has been observed by the learned Court below that merely because the land was sold by the wife or that certain land was registered in her name, same does not justify the denial of maintenance by the husband to the wife.

5. Learned Court below also took note of the fact that in light of the age of wife, as she required additional expenses qua age related ailments, and therefore, as she had to depend upon others for even small issues, the same did necessitate financial support. Taking this fact into consideration and the factum of the husband having retired as a JBT teacher, the amount of Rs.7500/- has been awarded as maintenance by the learned Court below to the wife. Said amount is neither exorbitant nor can it be said that the petitioner cannot spare Rs.7500/- per month from the pension received, so as to maintain his wife by paying her the enhanced maintenance.

6. Otherwise also, neither before the learned Court below nor before this Court, learned counsel for the petitioner could demonstrate that there are other liabilities upon the petitioner, which render it impossible for the petitioner to comply with the order passed by the learned Court below.

7. Further, we are of the considered view that otherwise also in exercise of our revisional jurisdiction, we are not to sit over the order of the learned Court below as an Appellate Authority.

8. As no jurisdictional error or patent illegality has been pointed out in the impugned order, there is no occasion for us to interfere with the same in

exercise of our revisional jurisdiction. In light of above observation, this petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 29,2026
(meera)