

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. Revision (FC) No.82 of 2025
Decided on : 22.09.2026

Mayank Thakur

...Petitioner

Versus

Meera Devi

...Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Lokesh Thakur, Advocate vice Mr.
G.R. Palsra, Advocate.

For the respondent : Ms. Shine Sehgal, Advocate vice, Mr.
Sudhir Bhatnagar, Advocate

Ajay Mohan Goel, Judge (Oral)

By way of this revision petition, the petitioner has inter
alia prayed for the following relief:-

“(i) That the order dated 29.08.2025 passed by
learned Principal Judge, Family Court, Mandi,
District Mandi, H.P in Petition No.44/2023, Reg.
No.68/2023 may kindly be set aside after
allowing the application filed by the petitioner
under Section 125 Cr.PC.”

2. The petitioner is aggrieved by order dated 29.08.2025,

¹Whether reporters of the local papers may be allowed to see the judgment?

passed by the learned Principal Judge, Family Court, Mandi, District Mandi, in Petition No.44/2023 (Reg. No.68/2023), in terms whereof, the petition filed by the present petitioner under Section 125 of the Criminal Procedure Code for providing monthly maintenance allowance has been dismissed by the learned Court below by returning the following findings:-

“39.As per Section 125 of the Cr.PC, at the time of considering a petition for maintenance, neglect or refusal to maintain must be proved. In the present case, the petitioner has failed to establish that the respondent neglected or refused to maintain her son. The petitioner was taken away by his father from D.A.V. School, Manali, and admitted to a government school where no fees are charged. This clearly indicates that the petitioner's father himself chose to shift the child from the fee-charging school to a government school, so can't father manage the food and other nourishment expenses of the child.

40. It is evident from the record that when the petitioner was at D.A.V. School, the respondent (mother) bore all educational expenses, including school fees. After the child was taken into the father's custody and admitted to the government school, there was no requirement for the mother to pay any school fees, since Govt. schools do not charge any fees. The claim that the respondent refused to maintain or neglected the child is not supported by the record.

41.The petitioner's father admitted that the respondent used to pay the school fees at D.A.V. School and he occasionally contributed some expenses. This suggests that the father did not fully bear the child's expenses during that period.

42.Since the petitioner is currently in the custody of his father, the father is primarily responsible for meeting day-to-day expenses such as food, clothing, and other welfare needs, which a father is expected to provide.

The respondent has demonstrated that she has been giving money to the petitioner and meeting him, thus no refusal or neglect is evident.

43. The petitioner's father is an able-bodied person with an income of approximately ₹10,000/- per month. He is therefore capable of bearing his son's maintenance expenses. The respondent, is maintaining a policy in the child's name for ₹8,300/- per month, which is a positive step towards securing the child's future. This further negates any claim of neglect by the respondent.

44. The petitioner has failed to prove that the respondent neglected or refused to maintain him. On the contrary, the evidence reveals that the respondent continued to support the child by meeting certain expenses and maintaining a life insurance policy in the child's name, with monthly premiums of P.) ₹8,300/-. The respondent also regularly provided financial assistance through online transfers and personal meetings with the child.

45. Given these facts, it cannot be said that the respondent has neglected or refused to maintain her son. The petitioner's claim is therefore unsustainable. Therefore, Petitioner is not entitled to any maintenance. Accordingly, Point No. 1 and Point No. 2 are rejected and answered negatively against the petitioner. Accordingly, the present petition is partly dismissed.

RELIEF/FINAL ORDER:

46. As a sequel to my findings on point no. 1 and 2 hereinabove, the petition for maintenance is dismissed. The petitioner is not entitled to any maintenance from the respondent at this stage. Parties shall bear their own costs. The case stands disposed of accordingly. The file, after its due completion, be consigned to the record room."

2. Having heard learned counsel for the parties and having perused the order under challenge, we do not find any perversity in the order as it could not be demonstrated before this

Court that the findings returned in the order under challenge were perverse or not borne out from the record.

3. This Court sees no reason to intervene and interfere with the order passed by the learned Court below as the petitioner was taken out by his father from DAV School, Manali, where he was being educated and got admitted to a government school. In light of the fact that the educational expenses in DAV School, Manali were being paid for by the mother and as now there is no fee charged in a government school where the petitioner is presently being educated, obviously, the petitioner is not entitled for the claim of maintenance from the mother on this count.

4. In fact, a perusal of the order passed by the learned Court below demonstrates that even after the petitioner was taken out from DAV School, Manali and admitted in a Government School, the respondent herein continued to support the child by meeting certain expenses of his and by maintaining a Life Insurance Policy in the name of the petitioner, monthly premium whereof is Rs.8300/- . Simply because the mother happens to be a teacher, this does not absolve the father, who in terms of the memo of parties, is the natural guardian of the petitioner, from taking care of the child, who has an independent source of income, as is evident from the order under challenge. Accordingly, in light of the above observations, we

do not find any merit in the present case, the same is dismissed.
Pending miscellaneous application(s), if any, also stand disposed of
accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 22, 2026 (meera)