



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/412/2026</u> Reshma --Revisionist Versus Kheem Singh --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Gaurav Kandpal, Advocate for the revisionist. Mr. Nitin Kamal, Advocate for the respondent. 2. This Criminal Revision has been preferred by the revisionist challenging the judgment & order dated 18.04.2026 passed by learned Judge, Family Court, Champawat in Misc. Criminal Case No.121 of 2024, whereby maintenance to the revisionist and her minor child has been awarded at the rate of ₹12,000/- per month, consolidated. 3. Learned counsel for the revisionist submits that the amount of maintenance awarded by learned Family Court is wholly inadequate and has been fixed without properly appreciating the income and financial capacity of the respondent. It is submitted that the respondent is serving as a Sepoy in the Indian Army and is drawing salary in the Band Pay of ₹31,400/-, with his total gross monthly salary being approximately ₹88,588/-. Learned counsel further submits that the revisionist has specifically stated on affidavit that she is not gainfully employed



			and has no independent source of income. It is also submitted that the revisionist was compelled to leave her matrimonial home along with her minor child, who is aged about three years, and is required to bear the expenses towards their day-to-day needs, including food, clothing, medical expenses and other necessities. Learned counsel submits that the minor child is now required to be admitted to school and, consequently, the educational and allied expenses would substantially increase. It is further submitted that the revisionist is residing in rented accommodation and has to incur rental expenditure apart from meeting the other household expenses. According to learned counsel, the respondent has no other substantial liability towards maintenance and, therefore, the amount of ₹12,000/- per month awarded by learned Family Court does not correspond with the financial capacity of the respondent or the reasonable needs of the revisionist and the minor child. 4. Per contra, learned counsel appearing for the respondent submits that the actual monthly salary of the respondent is approximately ₹50,000/-. It is, however, fairly submitted that even if the gross salary of ₹88,588/- per month, as claimed by the revisionist, is taken into consideration, the respondent has opted for various post-retiral schemes and substantial deductions, nearly to the extent of 40% of his salary, are being made towards such schemes. It is, therefore, submitted that the respondent does not have the financial capacity to pay the enhanced amount as claimed by the revisionist. 5. Heard learned counsel for the parties and perused the record. The object of an
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		order of maintenance is not merely to ensure the bare survival of the wife and the minor child, but to enable them to live with reasonable dignity and in a manner commensurate with the status and standard of living of the husband, subject, of course, to his actual financial capacity. While determining the quantum of maintenance, the Court is required to take into consideration the income and earning capacity of the husband, the reasonable needs of the wife and minor child, their respective standard of living, the expenses necessarily required to be incurred, and the other liabilities, if any, of the husband. 6. Hon'ble Supreme Court in the case of Deepa Joshi Vs. Gaurav Joshi, reported in 2026 SCC OnLine SC 597, has reiterated that the obligation of a husband to maintain his spouse is a primary and continuing obligation, which must be discharged in a manner ensuring that the wife is able to live with dignity and in a standard of living reasonably commensurate with that enjoyed by her during the subsistence of the marriage. It has further been held that, while determining the husband's actual earning capacity for the purpose of assessing maintenance, deductions towards repayments or liabilities which result in the creation or enhancement of assets cannot be permitted to substantially diminish his assessable income, as such repayments cannot take precedence over his statutory obligation to maintain his spouse. 7. In the present case, the material placed on record indicates that the revisionist has no independent source of income and is maintaining herself as well as the minor child. The respondent is admittedly serving in the Indian Army.
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