

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

(1) CRR(F) No.55 of 2019 (O&M).  
Decided on:- April 04, 2019.

Sandeep Bansal.

.....Petitioner.

Versus

Niharika.

.....Respondent.

(2) CRR(F) No.208 of 2019.

Niharika.

.....Petitioner.

Versus

Sandeep Bansal.

.....Respondent.

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.**

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Present:- Mr. Rakesh Nagpal, Advocate  
for the petitioner in CRR(F) No.55 of 2019.

Mr. D.S. Virk, Advocate  
for the petitioner in CRR(F) No.208 of 2019 and  
for the respondent in CRR(F) No.55 of 2019.

**HARI PAL VERMA, J.**

This order shall dispose of the aforementioned two criminal revision petitions as the same have been filed against the common order dated 07.01.2019 passed by the family Court, Sirsa, whereby in a petition under Section 125 Cr.PC for grant of maintenance filed by Niharika wife of

Sandeep Bansal, the application seeking interim maintenance was partly allowed.

However, for convenience and clarity, the detailed order is being passed in ***CRR(F) No.55 of 2019*** titled as ***Sandeep Bansal Versus Niharika***.

Briefly stated, respondent-wife Niharika filed an application under Section 125 Cr.P.C. for grant of maintenance before the family Court, Sirsa. As per the application, the marriage between the parties was solemnised on 17.11.2015 and a son Preetish was born to them on 04.09.2016. They are living separately since 10.09.2016. At the same time, a divorce petition was filed by the petitioner-husband, which is pending before the family Court.

The respondent-wife was serving as a teacher in Saint Xavier School. The petitioner-husband, who is a law graduate is a businessman and is running his family business having a showroom of mattresses in the main market of the city and is also dealing in RCC pipes and cement stockist at Sirsa and Bathinda. His business is well-established and he also received Award in Dealers Meet, 2018 of renowned Sleepwell Mattresses.

Vide impugned order dated 07.01.2019, the family Court has declined the claim of the respondent-wife, but at the same time, awarded interim maintenance to the minor son living in care and custody of the respondent-wife and held him entitled to Rs.8,000/- per month for his upbringing. Out of this awarded amount, Rs.3,000/- per month was ordered to be deposited in the bank account of the respondent-wife by 7<sup>th</sup> day of each month and the balance amount of Rs.5,000/- per month was ordered to be

deposited in fixed deposit in the name of minor son Preetish so as to meet out any emergency as well as for betterment of his future.

Aggrieved against the aforesaid order dated 07.01.2019, the petitioner-husband has approached this Court by way of criminal revision i.e. ***CRR(F) No.55 of 2019.***

Similarly, the respondent-wife has also filed criminal revision i.e. ***CRR(F) No.208 of 2019*** for enhancement of the interim maintenance awarded by the family Court.

Learned counsel for the petitioner-husband has argued that the respondent-wife is financially well off. Therefore, no amount was required to be granted as interim maintenance to the son. It is the duty of the respondent-wife to maintain the minor son. Moreover, prayer of the respondent-wife for grant of interim maintenance for herself has already been declined by learned Additional District Judge, Sirsa vide order dated 06.07.2018 while dealing with an application filed under Section 24 of the Hindu Marriage Act, 1955 on the same rationale. Therefore, no maintenance is required to be paid to the minor son.

On the other hand, learned counsel for the respondent-wife has argued that the wife is serving as a teacher in a private school and her salary is not sufficient enough to meet the day to day needs and expenses of herself and the minor son. Therefore, the amount of Rs.8,000/- per month awarded by the family Court is liable to be enhanced.

I have heard learned counsel for the parties.

There is no dispute that the petitioner-husband is well-established businessman. At the same time, while considering the fact that the respondent-wife is working as a teacher, no amount of interim maintenance has been awarded to her. It is only on account of minor son Preetish, a sum of Rs.8,000/- per month has been awarded as interim maintenance, which is certainly not on higher side more particularly when the prices are rising everyday and cost of upbringing of a child including the medical expenses is quite expensive. The admission of a child in a reputed school of the country is also a challenge these days. So far as the **CRR(F) No.208 of 2019** filed by Niharika, the wife, is concerned, she is already working as teacher in Saint Xavier School and her claim of grant of *pendente lite* and maintenance has already been considered in application filed by her under Section 24 of the Hindu Marriage Act, 1955. Therefore, this Court finds that there is complete justification with the interim maintenance awarded by the family Court to the son.

Accordingly, the impugned order dated 07.01.2019 passed by the family Court, Sirsa is affirmed and both these criminal revisions, being devoid of any merit, are dismissed.

Photocopy of this order be placed on the file of other connected case.

**April 04, 2019**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No