



CRR(F)-331-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

220 (2)

Date of decision: 04.10.2024

1. CRR(F)-331-2024

Inderesh Kumar

....Petitioner

V/s

Sunita Rani and another

....Respondents

2. CRR(F)-671-2024

Sunita Rani and another

....Petitioners

V/s

Inderesh Kumar

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Arora, Advocate for the petitioner  
in CRR(F)-331-2024 and for the respondent CRR(F)-671-2024.  
Mr. Bhriugu Dutt Sharma, Advocate for the respondents  
in CRR(F)-331-2024 and for the petitioners  
in CRR(F)-671-2024.

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SUMEET GOEL, J. (Oral)

Vide this common order, the afore-said two revision petitions arising out of the common impugned order are being disposed off. For the sake of brevity, recitals/facts are being taken from CRR(F)-331-2024.

1. The instant revision petition has been preferred against the order dated 23.11.2023 passed by the Additional Principal Judge, Family Court, Jalandhar (hereinafter to be referred as ‘impugned order’) praying for setting-aside/modification of the quantum of interim maintenance awarded by the said order. Vide the impugned order; the respondents (parents of the petitioner) have been awarded interim maintenance at the rate of Rs.7,000/-



per month (i.e. Rs.3500/- per month each to the respondents) from the date of the application along with litigation expenses of Rs.5,000/-. The respondents had filed a petition, under Section 125 of Cr.P.C., 1973 before the Family Court, stating that they are the mother and father, respectively, of the petitioner and are unable to maintain themselves and hence the interim maintenance ought to be awarded to them.

2. Learned counsel appearing for the petitioner-son has argued that while granting the interim maintenance, the learned Family Court failed to consider that the petitioner is employed at the Institute for Auto Parts & Hand Tools Technology in Ludhiana, earning a monthly salary of Rs.26,000/-. Additionally, the petitioner is living in a rented accommodation, for which he is paying a monthly rent of Rs.6,000/-. According to learned counsel, the petitioner incurs monthly expenses of Rs.5000-6000/- on commuting between Ludhiana and Jalandhar and is responsible for supporting his minor child and wife, who resides in Jalandhar. It has been further argued that the Family Court has failed to acknowledge that the respondent No.2-father, operates a sawmill and earns a substantial income from it. Additionally, he manufactures wooden boxes and supplies them, providing him with sufficient income to support both himself and respondent No.1-mother. According to learned counsel, the Family Court has failed to recognize that the respondents own immovable properties, including a residential house where both the respondents are currently living. Furthermore, they possess two more plots located in Jalandhar. It has been further argued that Family Court has completely overlooked the fact that the younger brother of the petitioner, Yogesh, also resides with the respondents,



Family Court has granted the quantum of interim maintenance on the higher side and beyond the financial capacity of the petitioner. Learned counsel has further argued that the Family Court ought to have considered that the petitioner is the sole bread winner of his family, having responsibility to look after his wife and minor daughter before fastening with the liability to pay the interim maintenance. Hence, it has been prayed that the quantum of interim maintenance awarded vide impugned order be set-aside.

3. *Per contra*, learned counsel for the respondents has argued that the learned Family Court though has determined the quantum of maintenance based on the facts and circumstances of the case but the same deserves to be enhanced by taking into consideration the earning capacity as well as financial status of the petitioner, who is earning handsomely. Learned counsel has further argued that the petitioner has incorrectly placed significant reliance on the two houses in the name of respondent No.2, claiming that the respondent No.1 is earning rental income from these properties. However, no evidence has been provided by the petitioner to substantiate that respondents are earning any rental income from these houses. Furthermore, the Family Court has failed to recognize that the interim maintenance of Rs.3500/- granted to each of the respondents is grossly inadequate and insufficient to support the elderly parents, especially given the current skyrocketing prices of daily necessities. It has been further argued that a paltry sum of interim maintenance will not allow the respondents to meet even the basic needs of life and hence the quantum of interim maintenance awarded vide impugned order is inadequate and the same deserves to be enhanced accordingly.



4. I have heard learned counsel for the rival parties and have perused the record.
5. It would be apposite to refer herein to a judgment passed by the Hon’ble Supreme Court titled as **Rajnesh vs. Neha & Anr.: 2021(2) SCC 324**; relevant whereof reads as under:-

**“II Payment of interim Maintenance**

- (i) *The proviso to Section 24 of the HMA (inserted vide Act 49 of 2001 w.e.f. 24.09.2001), and the third proviso to Section 125 Cr.P.C., 1973 (inserted vide Act 50 of 2001 w.e.f. 24.09.2001) provide that the proceedings for interim maintenance, shall as far as possible, be disposed of within 60 days’ from the date of service of notice on the contesting spouse. Despite the statutory provisions granting a time-bound period for disposal of proceedings for interim maintenance, we find that application remain pending for several years in most of the cases. The delays are caused by various factors, such as tremendous docket pressure on the Family Courts, repetitive adjournments sought by parties, enormous time taken for completion of pleadings at the interim stage itself, etc. Pendency of applications for maintenance at the interim stage for several years defeats the very object of the legislation.*
- (ii) *At present, the issue of interim maintenance is decided on the basis of pleadings, where some amount of guess-work or rough estimation takes place, so as to make a prima facie assessment of the amount to be awarded. It s often seen that both parties submit scanty material, do not disclose the correct details, and suppress vital information, which makes it difficult for the Family Courts to make an objective assessment for grant of interim maintenance. While there is a tendency on the part of the wife to exaggerate her needs, there is a corresponding tendency by the husband to conceal his actual income.*
74. *It has therefore, become necessary to lay down a procedure to streamline, the proceedings, since a dependant wife, who has no other source of income, has to take recourse to borrowings from her parents/relatives during the interregnum to sustain herself and the minor children, till she begins receiving interim maintenance.*

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| xxx | xxx | xxx | xxx | xxx |
| xxx | xxx | xxx | xxx | xxx |



*(j) The concerned Family Court /District Court/Magistrate’s Court must make an endeavour to decide the I.A. for Interim Maintenance by a reasoned order, within a period of four to six months at the latest, after the Affidavits of Disclosure have been filed before the court.*

xxx                      xxx                      xxx                      xxx                      xxx  
xxx                      xxx                      xxx                      xxx                      xxx

*132. The Affidavit of Disclosure of Assets and Liabilities annexed at Enclosures I, II and III of this judgment, as may be applicable, shall be filed by the parties in all maintenance proceedings, including pending proceedings before the concerned Family Court/District Court/Magistrate’s Court, as the case may be, throughout the country;*

xxx                      xxx                      xxx                      xxx                      xxx  
xxx                      xxx                      xxx                      xxx                      xxx”

6.                      Vide the impugned order passed by the Family Court, the aspect of interim maintenance has been decided. It goes without saying that a decision upon the aspect (especially quantum) of interim maintenance, being result of some element of estimation, has to be construed accordingly as the entitlement of the applicant (making a plea for grant of interim maintenance) cannot be based upon exact arithmetical calculations at such stage. The order granting interim maintenance, indubitably, is subject to final adjudication and it is a provisional step subject to final determination to be made at the conclusion of proceedings. In other words, the interim maintenance is only tentative & is subject to fixation of final maintenance.

7.                      Indubitably, the relationship between the parties is not in dispute. The facts of the instant case reflect that vide the impugned order; the respondents, who are the parents of the petitioner-son, have been granted interim maintenance at the rate of Rs.7,000/- per month (i.e. Rs.3500/- per month each to the respondents) from the date of the application. It is also an admitted fact that the respondents-parents are living separately from the petitioner-son. In the considered opinion of this Court, the interim



maintenance amount awarded must be reasonable and realistic. While going through the impugned order, it is evident that the respondent No.1-mother, stated in her affidavit filed before the Family Court that she is unemployed. She further disclosed ownership of two plots, measuring 1.25 marlas and 3 marlas, respectively, located in Jalandhar, in addition to their residential house. Similarly, respondent No.2-father, revealed in his affidavit that he is self-employed, earning Rs.10,000/- per month by making wooden boxes at home. Furthermore, the respondent No.2 also mentioned his self-acquired residential property in Jalandhar. On the other hand, the petitioner-son, in his affidavit of Assets and Liabilities, filed before the Family Court, disclosed that he holds a B.Tech degree and is employed as an Engineer, earning Rs.28,500/- per month. He currently resides in rental accommodation with his wife and minor child. Based on the facts and circumstances, as well as the affidavit of assets and liabilities submitted by both the parties, the Family Court concluded that the respondents, being the elderly parents of the petitioner, lack an independent source of income and cannot sustain themselves on the modest income of respondent No.2-father, who engages in labour work. Given that the petitioner-son is a qualified engineer with a monthly income of Rs.29,000/- approximately, the Family Court held that it is the legal duty of the petitioner-son to support his parents, who are unable to maintain themselves. Considering the rising costs of living, basic necessities, the Family Court awarded a sum of Rs.3500/- per month to each of the respondents. The contentions raised by the learned counsel for the parties in the present two petitions that the respondents-parents, have sufficient source of income to maintain themselves or the interim



beyond the financial capacity of the petitioner, are in fact, matter of trial and hence the same should not be delved into at this stage. The same can be ascertained only after adducing evidence by the parties. Moreover, the impugned order is only an interim measure in nature and not a final decision of the maintenance petition. The amount of maintenance awarded is always subject to the adjustment which will depend on the final outcome of the maintenance petition filed by the respondents/parents. In the instant case, the amount of interim maintenance, which has been directed to be paid by the petitioner (herein), vide the impugned order cannot be said to be on the higher/lower side and is rather just and appropriate in the facts/circumstances of the present case.

8. In view of the above, the interim maintenance granted by the Family Court does not call for any interference. Accordingly, both the petitions are hereby dismissed.

9. Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the Family Court shall proceed further, in accordance with law, without being influenced therefrom.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)  
JUDGE

October 04, 2024  
*Ajay*

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |