



CRR(F)-556-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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Date of decision: 29.08.2024

Harmanpreet Singh

...Petitioner

V/s

Narinderpal Kaur

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Tarun Singla, Advocate for the respondent.

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**SUMEET GOEL, J. (Oral)**

1. The instant revision petition has been preferred against the order dated 20.01.2023 passed by the Principal Judge, Family Court, Bathinda (hereinafter to be referred as 'impugned order') praying for setting-aside of the said order. Vide the impugned order; the respondent (herein) has been awarded interim maintenance at the rate of Rs.4,000/- alongwith litigation expenses to the tune of Rs.3,000/- to be paid by the petitioner (herein) from the date of the application. The respondent (herein) had filed a petition, under Section 125 of Cr.P.C., 1973 before the Family Court, Bathinda stating that she is the mother of the petitioner (herein) and is unable to maintain herself and hence the interim maintenance ought to be awarded to her.

2. Learned counsel for the petitioner has argued that the respondent does not require any amount of maintenance from the petitioner (herein) as her husband has been fulfilling all her needs. Learned counsel for the petitioner has further argued that the petitioner is working as a labourer



and his earnings were not sufficient even to make his both ends meet. Furthermore, the respondent is earning handsomely by doing the work of stitching, knitting and sewing. It has been further submitted that, in any case, the quantum of interim maintenance at the rate of Rs.4,000/- per month to be paid by the petitioner to the respondent (herein) is on the higher side as the petitioner (herein) is required to take care of his family as well. Hence, it has been prayed that the quantum of interim maintenance awarded vide impugned order be set-aside.

3. *Per contra*, learned counsel appearing for the respondent has argued that the petitioner (herein) is legally bound to maintain her as she is the mother of the respondent (herein). Though the respondent, who is living separately from her husband, has been awarded maintenance allowance i.e. Rs.2,000/- per month from her husband but for the proper upbringing of her minor daughter, who is living with her, and to maintain herself, the Family Court has rightly fastened the petitioner with liability to pay interim maintenance. Hence, it has been prayed that the quantum of interim maintenance awarded by the Family Court does not call for any interference.

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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*(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.*

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*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;*

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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 the final determination to be made on the conclusion of proceedings. In other words, the interim maintenance is only tentative & is subject to fixation of final maintenance.

7. The facts of the instant case reflect that vide the impugned order; the respondent (herein), who is the mother of the petitioner, has been granted interim maintenance at the rate of Rs.4,000/- per month. The plea of the petitioner that he does not possess any source of income *ipso facto* does not absolve him of his moral duty to maintain his mother. The interim maintenance amount awarded must be reasonable and realistic. The amount of Rs.4,000/- per month, which has been directed to be paid by the petitioner, vide the impugned order cannot be said to be on the higher side and is rather just appropriate. It is trite law that it is the inescapable duty of the children to take care of their parents, if possessing adequate means.

8. In view of the above, the interim maintenance granted by the Family Court does not call for any interference. Accordingly, the instant petition is hereby dismissed.



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9. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the Family Court shall proceed further, in accordance with law, without being influenced by them.
10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)  
JUDGE

August 29, 2024  
*Ajay*

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