



CRM-M-6041-2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-6041-2015

Date of decision: 16.09.2024

Manmeet Pal Kaur

....Petitioner

V/s

Rajvinder Singh Mann

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Veneet Sharma, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. Present revision petition has been directed against the order dated 29.11.2014 passed by Additional Sessions Judge, Amritsar whereby the *ex parte* order dated 12.03.2014 passed by Judicial Magistrate Ist Class, Amritsar, awarding maintenance allowance at the rate of Rs.3000/- per month to be paid by the respondent-husband (herein) from the date of order, was upheld. The petitioner-wife (herein) had filed a petition, under Section 125 of Cr.P.C., 1973 before the Judicial Magistrate Ist Class, Amritsar stating that she is the wife of the petitioner (herein) and is unable to maintain herself and hence the maintenance ought to be awarded to her.

2. Learned counsel for the petitioner has argued that the order passed by the Court below is patently erroneous inasmuch as the income of the respondent is concerned while granting the maintenance allowance to the petitioner (herein). According to learned counsel, the respondent, who is a green card holder of USA, is having several business ventures in India and

has substantial source of income and hence the determination of the quantum



of maintenance has not been done correctly by the Court below. Furthermore, the respondent is a man of means as he is having moveable and immovable properties in his name. It has been further argued that considering the income of the respondent as also the reasonable needs of the petitioner-wife and the standard of living she is required to be granted, the maintenance allowance of Rs.3000/- per month is highly inadequate and insufficient. Furthermore, it has been argued that the Additional Sessions Judge did not take into consideration the plea raised by the petitioner (herein) seeking enhancement of the maintenance amount in correct perspective and had affirmed the order passed by the Judicial Magistrate Ist Class, Amritsar without giving any cogent reasons. Thus, it has been prayed that the instant petition be accepted and the impugned orders are liable to be set-aside.

3. I have heard learned counsel for the petitioner and have perused the record.

4. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court in the case titled as ***Rajnesh vs. Neha & Anr.:*** ***2021(2) SCC 324***, relevant whereof reads as under:

“III Criteria for determining quantum of maintenance

(i) The objective of granting interim / permanent alimony is to ensure that the dependant spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

82. *The factors which would weigh with the Court inter alia are the status of the parties; reasonable needs of the wife and dependant children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income*



*is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife. Refer to **Jasbir Kaur Sehgal v. District Judge, Dehradun & Ors. (1997) 7 SCC 7. Refer to Vinny Paramvir Parmar v. Paramvir Parmar (2011) 13 SCC 112.***

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xxx	xxx	xxx	xxx

84. *On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependant family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The Court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able bodied and has educational qualifications. **Reema Salkan v. Sumer Singh Salkan (2019) 12 SCC 303.***

*ii) A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. **Chaturbhuj v. Sita Bai (2008) 2 SCC 316.***

85. *The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.*

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xxx	xxx	xxx	xxx

86. *In a marriage of long duration, where parties have endured the relationship for several years, it would be a relevant factor to be taken into consideration. On termination of the relationship, if the wife is*



educated and professionally qualified, but had to give up her employment opportunities to look after the needs of the family being the primary caregiver to the minor children, and the elder members of the family, this factor would be required to be given due importance. This is of particular relevance in contemporary society, given the highly competitive industry standards, the separated wife would be required to undergo fresh training to acquire marketable skills and re-train herself to secure a job in the paid workforce to rehabilitate herself. With advancement of age, it would be difficult for a dependant wife to get an easy entry into the work-force after a break of several years.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

(d) Maintenance of minor children

96. *The living expenses of the child would include expenses for food, clothing, residence, medical expenses, education of children. Extra coaching classes or any other vocational training courses to complement the basic education must be factored in, while awarding child support. Albeit, it should be a reasonable amount to be awarded for extra-curricular / coaching classes, and not an overly extravagant amount which may be claimed.*

97. *Education expenses of the children must be normally borne by the father. If the wife is working and earning sufficiently, the expenses may be shared proportionately between the parties.”*

5. A perusal of the factual matrix of the case in hand reflects that petitioner-wife (herein) has filed an application against the respondent seeking maintenance allowance before the JMIC, Amritsar. Thereafter, notice was issued to the respondent. Initially, he entered appearance and filed reply to the petition under Section 125 Cr.P.C. denying all the facts raised in the petition and prayed for dismissal thereof. However, during the course of proceedings, the respondent had not caused appearance and accordingly he was ordered to be proceeded against *ex-parte* vide order dated 03.10.2011 Thereafter, the petitioner-wife was allowed to lead her *ex*

parte evidence. After considering the oral as well as documentary evidence



on record, the JMIC, Amritsar vide its order dated 12.03.2014, came to the conclusion that the petitioner is the legally wedded wife of the respondent; living separately from the respondent and has no independent source of income, directed the respondent to pay maintenance allowance of Rs.3000/- per month. Dis-satisfied with the quantum of maintenance awarded, the petitioner-wife (herein) filed a revision before the Additional Sessions Judge, Amritsar seeking modification of the *ibid* order passed by JMIC, Amritsar. The revisional Court, after taking into consideration relevant facts and circumstances as also that the petitioner has failed to bring on record any cogent proof with regard to the income of the respondent, upheld the order passed by the JMIC, Amritsar.

Keeping in view the entirety of facts and circumstance of the case, this Court is of the considered opinion that the pleas raised by the petitioner seeking setting-aside of the order passed by Additional Sessions Judge Amritsar and for modification of the order passed by JMIC, Amritsar are bereft of any merit. Furthermore, while going through the impugned orders, it transpired that the petitioner has neither placed any documentary evidence on record to show that the respondent possess substantial source of income nor that the respondent is running several business ventures in India. Furthermore, both the Courts below have already dealt with all the pleas raised by the petitioner in correct perspective. In considered opinion of this Court, order dated 29.11.2014 passed by Additional Sessions Judge, Amritsar upholding the order dated 12.03.2014 passed by Judicial Magistrate Ist Class, Amritsar, directing the respondent to pay maintenance



allowance of Rs.3,000/- per month to petitioner-wife, is a well reasoned order and does not call for any interference by this Court.

6. In view of the above, the present petition does not call for any interference. The same is hereby dismissed. No order as to costs.

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

(SUMEET GOEL)
JUDGE

September 16, 2024
Ajay

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