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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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Date of decision: 16.12.2024

Puneet Kumar

.... Petitioner

V/s

Monika

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashok K. Sharma (Bhana), Advocate for the petitioner.  
Mr. Virender Soni, Advocate for the respondent.

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SUMEET GOEL, J. (Oral)

1. The instant revision petition has been preferred against the order dated 06.10.2023 passed by the Principal Judge, Family Court, Meham (hereinafter to be referred as 'impugned order') praying for setting-aside/modification of the said order. Vide the impugned order; the respondent-wife (herein) has been awarded interim maintenance at the rate of Rs.10,000/- per month to be paid by the petitioner-husband (herein) from the date of the filing of the application alongwith litigation expenses of Rs.11,000/-. The respondent (herein) had filed a petition, under Section 125 of Cr.P.C., 1973 before the Family Court, stating that she is the wife of the petitioner (herein) and is unable to maintain herself and hence the interim maintenance ought to be awarded to her.

2. Learned counsel appearing for the petitioner has iterated that the petitioner has the responsibility of supporting his entire family which consists of his elderly parents, who suffer from various age-related ailments



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and require significant financial assistance for their medical treatments, daily needs and routine expenses. According to learned counsel, a substantial portion of the salary of the petitioner is spent on their care. Being the sole breadwinner, the petitioner bears the financial burden of maintaining the entire family. Additionally, the petitioner is obligated to pay the installments for loans which he has taken. Furthermore, the sister of the petitioner is a widow and resides with their parents along with her child. She has no source of income and is entirely dependent on the earnings of the petitioner. It has been further argued that the petitioner is also responsible for supporting his younger brother, who likewise depends on his income. Despite these significant financial responsibilities, the Family Court has failed to consider this aspect while assessing the quantum of interim maintenance. It has been further argued that the respondent is a highly qualified lady who, on her own volition, left the company of the petitioner and hence the interim maintenance awarded should be fair and proportionate in line with the monthly income of the petitioner. Learned counsel asserts that the findings of the learned Family Court are based on a misrepresentation of facts and the same should be set-aside. Learned counsel has further argued that the Family Court ought to have considered this aspect before fastening with the liability to pay the interim maintenance to the respondent. Thus, it has been prayed that the impugned order is patently illegal; suffers from material infirmities and the quantum of maintenance be set-aside.

3. *Per contra*, learned counsel for the respondent has argued that the learned Family Court has rightly allowed the application seeking interim



maintenance as the respondent-wife has neither any source of income to maintain herself nor any moveable or immoveable property. Furthermore, the Family Court has determined the quantum of maintenance based on the calculation of the income of the petitioner as also taken due consideration of the relevant facts and circumstances of the case. Thus, it has been prayed that the present petition be dismissed.

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 is 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.*

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 is, indubitably, subject to



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be made on 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 respondent, who is the wife of the petitioner, has been granted interim maintenance at the rate of Rs.10,000/- per month from the date of filing of the application. While going through the impugned order, it transpires that both the parties (i.e. the husband and the wife, have placed on record their respective affidavits with regard to disclosure of their respective incomes, assets and liabilities in terms of the judgment of the Hon'ble Supreme Court titled as ***Rajnesh*** case (supra). As per the affidavit of the respondent-wife, she has explicitly stated that she has no source of income which fact is *prima facie* corroborated by her bank account statement annexed with her affidavit, which does not reflect any regular credit entries. The Family Court further observed that though the respondent-wife (herein) may be well-educated but that does not negate her entitlement for maintenance and does not hold any adverse inference against her entitlement for interim maintenance. Conversely, the petitioner-husband (herein), as per his affidavit, has stated that he is employed as a Class-IV employee in the Education Department, with a net income of Rs.27,712/- per month. However, he has failed to furnish his pay-slip, Form-16, bank account statement and Income Tax Return, which are mandatory under the affidavit format prescribed by the Hon'ble Supreme Court in ***Rajnesh*** case (supra). The Family Court further observed that the petitioner-husband (herein) had failed to disclose his

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complete income details which appears to be an attempt to downplay his earning, thereby potentially diluting his maintenance obligation. Resultantly, the Family Court had drawn an adverse inference against the petitioner-husband (herein) for failing to disclose his complete and true financial status. The Family Court further observed that the claim of the petitioner-husband (herein) regarding his liability for loan repayment is not tenable as he cannot evade his statutory obligation to provide interim maintenance by taking loans that diminish his income. It is a well established principle that the financial obligations such as loans cannot be used as a shield to shirk the legal duty of maintaining one's spouse and dependents. Therefore, considering the status of the parties and prevalent Price index, the Family Court granted the interim maintenance at the rate of Rs.10,000/- per month to the respondent-wife (herein) effective from the date of filing of the application.

8. In marital disputes, the full disclosure of the income and the bank details by both the parties is a pertinent factor to ensure fair and just decision. In proceedings arising out of maintenance petitions, the Courts plays heavy reliance on the facts and material so provided by the rival parties and hence utmost transparency and credibility of information is expected from them. Proper and accurate disclosure of relevant facts by the rival parties promotes equity and ensures just outcome of the judicial process, however, any attempt to obscure, misrepresent or concealment of financial standing or other relevant facts gravely undermine the judicial goal of reaching to the truth and doing justice between the parties. While it is an inherent duty of the Court to uncover the truth and render justice between



the parties, it is equally incumbent upon litigants to approach the Court with utmost candor and transparency. The doctrine of “*he who seeks equity must do equity*”, rooted in equitable jurisprudence, applies with unmitigated force to all Courts and judicial forums. This maxim underscores the foundational principle that parties seeking relief must demonstrate fairness and good faith in their conduct. Litigants are indispensable participants in the administration of justice, akin to wheels of the chariot of justice. Their conduct significantly impacts the Court’s ability to deliver equitable and efficient resolutions. This obligation assumes particular importance in maintenance proceedings under Section 125 of the Code of Criminal Procedure, 1973 where financial disclosures and factual veracity are pivotal to ensuring a just outcome for the parties involved. If a party deliberately suppresses facts, indulges in misrepresentation, or approaches the Court with mala fides intention, the Court is compelled to draw adverse inferences against such conduct. Maintenance proceedings, being remedial and benevolent in nature, demand utmost transparency to uphold the spirit of justice. Any attempt to frustrate these proceedings through concealment or deceit undermines the sanctity of judicial processes and must be met with appropriate judicial disapproval to preserve the integrity of justice delivery.

9. It is apt to mention herein that the husband has both a moral and legal obligation to provide financial support to his wife, regardless of her qualification, unless there are substantial legal grounds to deny her maintenance. The educational qualifications of a wife cannot be valid ground to deny her maintenance under Section 125 of the Code of Criminal



Procedure, 1973. The essential criterion for awarding maintenance is not the academic qualifications of the wife but her actual ability to sustain herself and meet her reasonable expenses. Even if a wife is educationally qualified, it does not necessarily imply that she is financial independent or capable of earning her livelihood. Factors such as availability of employment opportunities, societal conditions, care giving responsibilities or health issues may impede her ability to secure gainful employment. A profitable reference in his regard maybe made to the judgment of this Court in case titled as ***Divesh Sapra vs. Latika Sapra and another = Neutral Citation No.2024: PHHC134617***, relevant whereof reads as under:-

*“10. The next argument advanced on behalf of the husband to contend that the wife being professionally qualified cannot be expected to sit idle and as such she is not entitled to seek maintenance is again liable to be rejected as being misconceived. The wife merely by virtue of being educationally qualified cannot be held disentitled to seek maintenance, until and unless it is proved that she being professionally qualified, having taken up a profession, has given up on such profession, just for the sake of seeking maintenance.. In the present case, it is not the case of the husband that the wife was working and earning after the marriage prior to her filing the present petition for grant of maintenance.”*

Therefore, the bald assertion made by the husband regarding the educational qualifications of the respondent-wife, without adducing substantive evidence to establish that she is gainfully employed, hold no legal significance. The burden of proof lies upon the husband to demonstrate that the wife has independent income or employment, particularly when she has explicitly averred in her affidavit that she is neither employed nor earning any income.



10. Considering the facts and circumstances of the case, the amount of Rs.10,000/- per month, which has been directed to be paid by the petitioner (herein) to the respondent, vide the impugned order cannot be said to be on the higher side and is rather just and appropriate in the facts/circumstances of the case. Accordingly, the interim maintenance granted by the Family Court does not call for any interference and the instant petition is hereby dismissed.

11. 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.

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

(SUMEET GOEL)  
JUDGE

December 16, 2024  
*Ajay*

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