



CRR-177-2025 (O&M)

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

**CRR-177-2025 (O&M)
Date of Decision: 24.01.2025**

Gaurav Kapoor

..... Petitioner

Versus

Nisha

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Himmat Vohra, Advocate for the applicant/petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed under Section 442 of BNSS, 2023, challenging the order dated 24.10.2024 passed by learned Additional Sessions Judge-cum-Judge Special Court for Heinous Crime Against Women, Hisar vide which appeal filed by the petitioner has been dismissed in Criminal Appeal No.36 dated 06.09.2024 as well as the impugned order dated 15.07.2023 passed by learned JMIC, Hansi vide which an interim maintenance of Rs.8,000/- per month has been granted to the respondent/wife.

2. Learned counsel for the petitioner submitted that it is a case where the respondent/wife had filed a petition under Section 125 Cr.P.C. for grant of maintenance and as an interim maintenance an amount of Rs.8,000/- per month had been fixed by learned JMIC, Hansi vide order dated 15.07.2023 which has been upheld by learned Appellate Court. He further submitted that so far as the income of the petitioner/husband is concerned, it has come on record that the income of the petitioner as per his salary slip is approximately Rs.38,751/- per month, which is not in dispute and also submitted that the factum of marriage



between the parties is also not in dispute and there is no child born out of wedlock. He further submitted that the aforesaid interim maintenance of Rs.8,000/- per month granted to the respondent/wife is on the higher side and could rather not have been granted because although she is not working as per the aforesaid order but she could have done a job and for the reasons mentioned above, the aforesaid amount is on the higher side and therefore, the impugned order may be set aside.

3. I have heard the learned counsel for the petitioner.

4. The present revision petition has been filed challenging the impugned order dated 15.07.2023 passed by learned JMIC, Hansi by which an interim maintenance of Rs.8,000/- per month has been granted to the respondent/wife. As per the order passed by learned JMIC, Hansi, the petitioner is working as a Patwari and as per allegations levelled by the respondent/wife, he is earning Rs.80,000/- per month and Rs.1 lac. from his commercial and residential properties. However, learned JMIC has taken into account the salary of the petitioner only as per his salary slip which has come out to be Rs.38,751/- per month approximately and it has also taken into account that the respondent/wife is not working. As per the impugned order, nothing has come on record to show that the respondent/wife was working and earning in the present case and therefore, as an interim measure, an amount of Rs.8,000/- per month has been fixed. The aforesaid order passed by learned JMIC has been upheld by learned Appellate Court vide order dated 24.10.2024. A plea was taken by the petitioner/husband even before the Appellate Court that although he is working and earning of Rs.38,751/- per month but he is also incurring expenses of Rs.37,000/- per month for his mother, father and his sister, who are dependent upon him and the respondent/wife is well-qualified and is having two qualification degrees of



B.C.A, and B.Ed. and is also working and earning Rs.25,000/- per month as a Teacher but nothing was shown on record as to how much was the income of the respondent/wife. Learned Appellate Court in Para No.21 has also observed that the aforesaid argument raised by the petitioner/husband that the respondent/wife is well-qualified and is working and earning of Rs.25,000/- per month is of no assistance because the certificate which was produced was with regard to a school of Gurugram which is at her matrimonial place wherein the Principal of that school had certified that she had worked from 01.04.2019 till 09.06.2019 and she was paid salary of Rs.25,029/- per month which means that she worked only for two months at Gurugram which was the place of her matrimonial home and thereafter, she is residing at Hisar and is not working anywhere and it is not the case of the petitioner/husband that she intentionally left her job in order to claim maintenance because she was doing job at her matrimonial town in Gurugram for two months and thereafter, till 09.06.2019 and thereafter, she came back to her parental home and therefore, it cannot be said that she left the job on her own in order to claim maintenance. Learned Appellate Court also observed that only Rs.8,000/- per month as an interim maintenance has been granted to the respondent/wife which is even less than one-fourth salary of the petitioner/husband and therefore, dismissed the appeal.

5. After hearing the learned counsel for the petitioner and after perusing the order passed by learned JMIC and the learned Appellate Court, this Court is of the considered view that since the present revision petition is only against the fixation of interim maintenance whereby only Rs.8,000/- per month has been fixed as interim maintenance, out of the total salary of the petitioner/husband which is Rs.38,751/- per month and the same is not even one-fourth of his total salary and it has not been shown that the respondent/wife was also working



anywhere. Therefore, this Court is of the considered view that no illegality and perversity can be found in both the impugned orders. Consequently, finding no merit in the present revision petition, the same is hereby dismissed.

24.01.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |