



CRR(F)-41-2025

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

**CRR(F)-41-2025
Date of Decision: 14.01.2025**

Manjeet Kaur and another

..... Petitioners

Versus

Bhupinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anupam Bhardwaj, Advocate for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 397/401 of the Code of Criminal Procedure challenging the order dated 08.11.2024 passed by the learned Additional Principal Judge, Family Court, Ajnala.

2. Learned counsel for the petitioners submitted that it is a case where petitioner No.1 is the wife and petitioner No.2 is the minor daughter whereas respondent is the husband. He further submitted that marriage took place between petitioner No.1 and the respondent on 18.02.2019 and thereafter, a matrimonial dispute arose between petitioner No.1 and the respondent and the allegations with regard to giving of various dowry articles were made by petitioner No.1. He also submitted that the petitioners had filed a petition under Section 125 Cr.P.C. for grant of maintenance before the learned Additional Principal Judge, Family Court, Ajnala in which by way of the impugned order dated 08.11.2024, the aforesaid Court denied to grant any maintenance to petitioner No.1-wife and granted the maintenance of an amount of Rs.2,500/- per month to petitioner No.2, who is the minor daughter. He further submitted that findings of the aforesaid



order are totally perverse and there was no reason as to why petitioner No.1 has been denied the maintenance and why a meager amount of Rs.2,500/- has been granted to the minor daughter. He also submitted that petitioner No.1 although is in service and is getting salary of an amount of Rs.31,188/- per month but that would not mean that petitioner No.1 cannot be granted the maintenance because she is the wife, whereas the respondent, who is her husband, is able bodied man and is having a permanent job and was earning about Rs.33,497/- per month at the time of passing of the aforesaid order and now he is earning around Rs.43,000/- per month and therefore, petitioner No.1, who is the wife should not have been denied the basic maintenance which ought to have been granted to her. He further submitted that so far as petitioner No.2, who is the minor daughter is concerned, she was granted only Rs.2,500/- per month which is on the lesser side in view of the aforesaid earnings of the husband of petitioner No.1 (Respondent) and therefore, so far as petitioner No.2 is concerned, the maintenance is required to be enhanced to a reasonable amount as well.

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

4. A perusal of the impugned order passed by the learned Additional Principal Judge, Family Court, Ajnala would show that so far as petitioner No.1, who is the wife is concerned, she has been denied maintenance under Section 125 Cr.P.C. by citing specific reasons especially in Para No.12 of the impugned order. The learned Family Judge had considered all the aspects pertaining to the earnings of petitioner No.1 which comes out to be Rs.31,188/- per month and the earning of the respondent-husband comes out to be Rs.33,497/- per month. One of the



pertinent reasons for denial of maintenance to petitioner No.1 as so stated in the impugned order is that she had stated that she was not earning anything and was at the mercy of her parents and she did not disclose that she is working and getting the salary but when petitioner No.1 herself stepped into the witness box then in her cross-examination she admitted the aforesaid fact of earning which rather goes to the root of the cause of action for seeking maintenance. She admitted in her cross-examination that she was doing a job in LIC since 2015 and is also getting a salary of around Rs.27,000/- per month which she concealed at the time of filing of the petition for grant of maintenance. Petitioner No.1 also stated in her cross-examination that she is working as a Class-IV employee in LIC. Another reason as to why the learned Family Court had not granted the maintenance to petitioner No.1 was that she has withdrawn from the society of the respondent/husband and she also admitted in her cross-examination that one Ajmer Singh is her friend and she also admitted that the aforesaid Ajmer Singh used to visit her in-law's house along with his parents.

5. This Court is of the considered view that so far as petitioner No.1/wife is concerned, she admittedly is not living with her husband and has also admitted that some other person is her friend and apart from the above, she initially did not disclose information with regard to her earning and when she was subjected to cross-examination, then she revealed that she is working in LIC and earning Rs.27,000/- per month. On the other hand, the respondent, who is the husband, was earning Rs.33,497/- at the time of passing of the impugned order and petitioner No.1 was also earning Rs.31,188/- which is almost an equal amount. This Court does not see any



perversity or any illegality in the impugned order passed by the learned trial Court pertaining to petitioner No.1 and rather the aforesaid order is a well-reasoned order.

6. So far as petitioner No.2, who is the minor daughter is concerned, the learned Family Court has dealt with the issue by observing that both the parents are equally earning and the petitioner No.2/girl is a school going child and expenses of petitioner No.2 has been brought by the petitioner No.1 to show that Rs.5,000/- is required for the maintenance of the petitioner No.2. Since both the parents are working and earning equally, the learned Family Court had fixed the maintenance for both as Rs.5,000/- to be shared equally to the tune of Rs.2,500/- per month and in this way from the respondent/husband, petitioner No.2 would get Rs.2,500/- per month. This Court is also of the considered view that the aforesaid amount is a reasonable amount and there is no requirement of any enhancement of the amount at this stage since out of the total amount required i.e. Rs.5,000/- for the maintenance of the child, equal amount has been fixed upon both the parents, who are working and are earning equally and therefore, it cannot be said that the aforesaid order passed by the learned Additional Principal Judge, Family Court, Ajnala is perverse.

7. In view of the aforesaid facts and circumstances, this Court does not find any merit in the present petition and the same is hereby dismissed.

14.01.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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