



112
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-93-2025 (O&M)
Date of Decision: 22.01.2025

Chirag Jindal

....Petitioner

Versus

Chanchal and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Jammu, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for impugning the order dated 22.11.2024 passed by learned Principal Judge, Family Court, Bhiwani by which the respondents have been awarded interim maintenance during the pendency of the petition under Section 125 of the Code of Criminal Procedure.

2. Learned counsel appearing on behalf of the petitioner submitted that learned Family Court had granted interim maintenance of Rs. 10,000/-per month to respondent No.1-wife and Rs. 5,000/-per month for the newly born child out of the wedlock. He submitted that the aforesaid total amount of maintenance awarded i.e. Rs. 15,000/- per month is on a higher side since the petitioner has only one source of income i.e. a salary amounting to Rs. 20,000/- per month and a certificate regarding the same has been attached as Annexure P-1. He submitted that in view of the aforesaid certificate being issued by the aforesaid company, the fixation of interim maintenance to the tune of Rs.15,000/- per month i.e. Rs. 10,000/- per month for the wife and Rs. 5,000/-



per month for the newly born child is on a higher side and the same may be reduced.

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

4. It is a case where the respondent-wife had filed a petition for the grant of maintenance under Section 125 of the Code of Criminal Procedure and the present impugned order has been passed wherein interim maintenance has been awarded. The marriage between the parties is not in dispute and it is also not in dispute that there is a newly born child out of the wedlock who is in the care and custody of the respondent-wife. The respondent-wife in the application has asserted that the petitioner is earning about Rs. 2,00,000/- per month because he is having two stone crushers but nothing was placed on record by the wife because it was only an application for deciding an interim maintenance. However, the last three years income tax returns reports of the petitioner-husband for the assessment years 2022-2023, 2023-2024 and 2024-2025 were placed on record in which the annual income of the petitioner-husband has been shown to be Rs. 4,89,950, Rs. 4,87,760/- and Rs. 2,96,600/- and therefore for the purpose of considering and deciding the prayer of the wife for grant of interim maintenance, the average of the aforesaid last three annual income tax returns reports of the petitioner-husband came out to be Rs. 35,000/- per month. On the basis of the aforesaid income tax returns reports of the petitioner, out of the average of Rs. 35,000/- per month, an interim maintenance of Rs. 10,000/- per month was fixed for the wife and Rs. 5,000/- per month for the newly born child.

5. It is the argument of the learned counsel for the petitioner that the aforesaid interim maintenance is on a higher side. This Court is of the considered view that considering the aforesaid income of the petitioner on the basis of his income tax returns reports and considering the fact that the



aforesaid fixation of the amount is only an interim maintenance which is Rs. 10,000/- per month for the wife who is not working and Rs. 5,000/- per month for the newly born child by no stretch of imagination can be said to be on the higher side.

6. This Court is of the considered view that there is no perversity or illegality in the impugned order passed by learned Principal Judge, Family Court.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

22.01.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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