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

**CRR(F)-104-2025
Date of Decision: 23.01.2025**

Aman Mukhija

..... Petitioner

Versus

Garima Ahuja and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Tanya Vashist, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 442 of the BNSS challenging the order dated 26.11.2024 by which learned Additional Principal Judge, Family Court, Panipat had granted interim maintenance to the respondents. Respondent No.1 is the wife and respondent No.2 is the minor child of the age of 2 years, who is under the care and custody of respondent No.1/wife.

2. Ms. Tanya Vashist, learned counsel for the petitioner/husband submitted that it is a case where learned Additional Principal Judge, Family Court, Panipat had granted an interim maintenance of Rs.5,000/- per month to respondent No.1/wife and Rs.2,000/- per month to respondent No.2, who is the minor child of the age of two years. She further submitted that the petitioner/husband has no objection to grant of any interim maintenance to the minor child to the tune of Rs.2,000/- but so far as the interim maintenance which has been granted to respondent No.1/wife to the tune of Rs.5,000/- per month is concerned, the same would not be sustainable in view of the fact that the petitioner/husband is working and earning only to

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the extent of Rs.6,000/- to Rs.8,000/- per month in a General Store and is self-employed and so far as respondent No.1 is concerned, although nothing has come on record that she is working and earning any income but she has sufficient means to earn and is a well-educated lady and has done fashion designing course and therefore, the aforesaid fixation of interim maintenance to respondent No.1/wife was not sustainable.

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

4. It is a case where learned Additional Principal Judge, Family Court, Panipat has granted interim maintenance to respondent No.1/wife to the extent of Rs.5,000/- per month and Rs.2,000/- per month to respondent No.2, who is the minor child of the age of 2 years. A perusal of the impugned order passed by learned Family Court would show that the petitioner/husband has claimed that he has an income of Rs.6,000/- to Rs.8,000/- per month because he is self-employed (helper) and is working in a General Store but there is no record which was produced before the Court. Learned Family Court observed for the purpose of considering the grant of interim maintenance that even as per the minimum wages which are applicable to the casual labourer also, the earning has to be in the range of Rs.15,000/- to Rs.20,000/- per month and in the absence of any other evidence to show as to how the petitioner/husband was not earning the aforesaid amount, it has to be presumed that he is earning Rs.15,000/- to Rs.20,000/- per month.

5. The marriage between the parties is not in dispute and it is also not in dispute that the minor child is residing with respondent No.1/wife. Considering the aforesaid facts and circumstances, learned Family Judge had granted the interim maintenance to respondent No.1/wife as well. Both of

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them are living separately. It is a settled law that even if the income of the husband is less, but if he is an able bodied man, then it is not only a statutory duty but also a moral duty of the husband to maintain the wife. Even otherwise also, in the impugned order only an interim maintenance has been granted, for which, this Court is of the considered view that there is no illegality and perversity in the order passed by learned Additional Principal Judge, Family Court, Panipat.

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

23.01.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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