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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-213-2023

Reserved on:- 04.02.2025

Pronounced on:- 03.04.2025**Daljit Singh Hanjra**

....Petitioner

Versus

Simranjit Kaur and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gaagan Pradeep S. Bal, Advocate
for the petitioner.

Mr. Rajesh Bhateja, Advocate
for the respondents.

AMARJOT BHATTI, J.

1. Petitioner Daljit Singh Hanjra has filed criminal revision against impugned judgment dated 03.12.2022 passed by learned Additional Principal Judge, Family Court, Ludhiana in MNT/125 No. 114/2019, whereby petitioner Daljit Singh Hanjra (respondent in main case) has been directed to pay a sum of Rs. 50,000/- per month to respondent No. 1 (petitioner No. 1 in main case) i.e. wife Simranjit Kaur and Rs. 20,000/- per month to respondent No. 2 (petitioner No. 2 in main case) i.e. minor daughter Gursirat Kaur as maintenance from the date of filing of petition, with further direction that both wife and child shall be entitled to receive maintenance increased at a flat rate of 5% per annum from the date of passing of order.

2. As per the facts of case, Simranjit Kaur/wife and Gursirat Kaur/minor daughter (petitioners in main case) filed petition under Section



125 Cr.P.C. claiming maintenance from Daljit Singh Hanjra-husband of petitioner No. 1 and father of petitioner No. 2 (respondent in main case). Simranjit Kaur got married with Daljit Singh Hanjra on 01.12.2013 as per Sikh rites and ceremonies. Out of this wedlock, they have a daughter Gursirat Kaur, born on 05.11.2014. Petitioner No. 1/wife alleged that at the time of marriage, her parents had spent Rs. 50 lacs. Roka ceremony and ring ceremony took place where her father again spent huge money. She was given gold ornaments weighed 70 tolas, one Toyota Altis car and cash of Rs. 5 lacs to purchase furniture and electronic appliances etc. Her father wanted to give Honda Amaze car in marriage but at the instance of her husband and in-laws family, her father had given Toyota Altis car. Petitioner No. 1 has given detail of various incidents of maltreatment which took place in matrimonial home. Her husband and in-laws' family turned out to be greedy persons for dowry. They harassed and humiliated her and even gave beatings on account of their demand for dowry. She was ill-treated in matrimonial home. She was forced to do entire household work. She was not allowed to go outside or to talk to her parents on phone. She was not permitted to use her istridhan in matrimonial home. With the passage of time, respondent-husband and his family pressurized her to bring Rs. 20 lacs for going to Singapore. During her pregnancy she was not taken care of. She was told to give birth to a son only. There was constant maltreatment and harassment by respondent-husband and his family members. Petitioner No. 1-wife alleged that her father had given Rs. 8 lacs in cash, but even then there was demand for balance amount of Rs. 12 lacs. In August, 2014, her father took her to parental house and she gave birth to



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a daughter on 05.11.2014. Husband and in-laws family were informed about birth of daughter but they did not show any happiness. Her father had given Rs. 5 lacs and she was left in matrimonial home in first week of February, 2015. There was no change in their behavior. She was not provided basic necessities of life including clothes during winter season. Respondent-husband and his family started raising demand for Ten Crore rupees towards her share in movable and immovable properties from her parental side. She was unable to fulfil this ingenuine demand. Behavior of husband and in-laws family turned bad to worst. Her parental family came on 13.04.2015 and tried to persuade them, but they insisted on their aforesaid demand. She was again taken back in her parental house. In October, 2014, her in-laws family came to attend marriage of her brother. Her husband was given a gold bracelet and she was given a gold set which was taken away by respondent-husband and his family but she was not taken along with them. On 27.05.2015, parents of petitioner No. 1-wife visited matrimonial home for her rehabilitation but respondent-husband and his family did not open the gate. They tried to contact them through mobile phone but they flatly refused to rehabilitate petitioners. Efforts to rehabilitate them failed and finally she filed written complaint No. 825202 dated 21.09.2015 against respondent-husband and his family members on the basis of which FIR No. 35 dated 12.03.2016 under Section 406, 498-A IPC was registered at Police Station Women, Ludhiana.

Respondent-husband has intentionally, willfully and deliberately refused to keep and maintain petitioners without any reasonable and probable cause, even though he is capable enough and he is



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also legally, morally and socially bound to keep and maintain petitioners. Petitioners do not possess any movable or immovable properties and have no source of income to maintain themselves. Petitioner No. 1-wife is not doing any work. They are unable to maintain themselves and are living life of destitute. They are unable to cope with daily necessities of life. Huge amount is required for daily needs, nourishment, medicines, clothes etc. Petitioners have claimed maintenance of Rs. 10 lacs, keeping in view rising prices. It is submitted that respondent-husband is having business of sanitary goods under the name and style of M/s Pal Corporation, 28-B, Nijatam Nagar, Ludhiana, M/s Bee Ess Sanitation, Kapurthala Road, Jalandhar, M/s B.S. & Company Steel Metal Contractor, 28/1, Nijatam Nagar, Ludhiana. This factory was created in the year 1965 by forefathers of respondent-husband and it is their ancestral property. He is earning Rs. 10 lacs per month from his vocation. Apart from this, he and his family own and possess farm house constructed in 5 killas of land in Basti Bawa Khel, Jalandhar, land measuring 5-1/2 killas in village Asman Shaheedan, Tehsil Dasuya, District Hoshiarpur, land measuring 31 killas in different parts of State of Punjab, Chandigarh and U.P., one Kothi measuring 500 sq. yards, House No. 35, Adarsh Nagar, Jalandhar, one Kothi No. 346, measuring 700 sq. yards at Basti Bawa Khel, Jalandhar, 10 shops situated in Basti Bawa Khel, Jalandhar, one Plot No. 33-C, Sport & Surgical Complex Association Regd., Jalandhar. Respondent-husband and his family owned one car make Toyota Innova, one car Wagon R and one Activa scooter. They have several properties and are having rental income. They have bank accounts, shares in companies, insurance policies, saving



accounts etc. Respondent is earning handsome amount of Rs. 2.25 crores per month from all assets and businesses. Petitioners claimed maintenance of Rs. 10 lacs per month alongwith litigation expenses of Rs. 31,000/- in the interest of justice.

3. On notice, respondent-husband Daljit Singh Hanjra (petitioner in this case) had filed reply taking the stand that all allegations are false and frivolous based on concocted version. Petitioner has not come to Court with clean hands. She is in possession of movable and valuable property which she has not disclosed in her petition. On merits, facts regarding marriage with petitioner No. 1 and birth of daughter i.e. petitioner No. 2 are admitted. It is denied that parents of petitioner No. 1-wife had spent Rs. 50 lacs on marriage or they had given dowry articles including gold and cash amount for purchase of furniture etc. as mentioned in petition. In fact, marriage between them was solemnized in a simple manner. No dowry was demanded or received by respondent or his family members. Father of respondent was already having a car. Therefore, there was no requirement to raise demand for Toyota Altis car. Petitioner No. 1 brought this car for her own use and Registration Certificate also stood in her name. Earlier petitioner No. 1 was engaged with some other person and engagement was broken by levelling false allegations and one FIR was lodged against said person and his family members. After solemnization of marriage, respondent-husband started his life with petitioner No. 1 happily. All allegations regarding harassment, humiliation, maltreatment, beating or torture to petitioner No. 1 are denied. Behaviour of petitioner No. 1 was abnormal. She used to pickup quarrels with respondent and his family



members on petty matters right from the very beginning of marriage. It is denied that petitioner No. 1 was treated like a servant or she was forced to do entire household work. There was no restriction on her and she was enjoying every facility of life in house. Respondent and his family members tolerated her behavior that she will change with passage of time. She was in possession of her istridhan and she was free to use the same as she liked. There was no demand of Rs. 20 lacs for going to Singapore. In fact, his father Pritam Pal Singh had financed their trip to Singapore. During pregnancy she was looked after well by him and his family members. Family members of petitioner No. 1 took her to parental house for birth of first child. It is denied that respondent-husband or his family members wanted their first child to be a boy. All expenditure of hospital were born by respondent. In fact, many a times she pressurized respondent to give her money which she took along with her to her parental house and in return she used to say that money was spent on her personal expenditure. Petitioner No. 1 raised demand that house owned by his father and brother i.e. House No. 35, Adarsh Nagar, Jalandhar should be transferred in her name and for this reason she picked up quarrels several times. Said ingenuine demand of petitioner No. 1-wife could not be satisfied. Thereafter, she wanted them to give Rs. 15 lacs to her parents for effecting compromise in a criminal matter in which her father was involved. Due to frequent quarrels they started residing in a rented house No. 291, Bank Enclave, Jalandhar. No money was ever demanded from petitioner No. 1 or her family members. After the birth of child, petitioner No. 1 was brought back in rented house and they were given warm welcome. Mother and



child were provided all facilities. It is denied that he or his family members raised demand of Rs. 10 Crores from petitioner No. 1 as her share in property in her parental side. Petitioner No. 1 went to Ludhiana to see her parents in middle of May, 2015. She along with child stayed back in parental house and did not accompany him in matrimonial home. She pressurized him to make payment of Rs. 15 lacs for effecting compromise in a criminal case in which her father and brother were involved. Respondent and his family attended marriage of brother of petitioner No. 1 but it is denied that they were entrusted any gold ornaments. There was no effort on the part of family of petitioners for compromise. Regarding incident of 27.05.2015, it is alleged that respondent-husband and his family members were not present at home. Father and brother of petitioner No. 1 created scene in front of their house which was later noticed from CCTV cameras. It is denied that petitioner No. 1 has no source of income. She is professionally qualified in Journalism and is earning Rs. 20,000/- per month from this profession. She is in possession of all her gold ornaments, istridhan etc. Respondent-husband is doing private job and earns Rs. 10,000/- to Rs. 12,000/- per month. He has nothing to do with properties detailed in para No. 20 of petition. He does not have any car or a scooter. He does not possess any bank account, FDR, insurance policy or shares as claimed by petitioners. Denying entire claim, it is submitted that petition filed by petitioners (respondents in this case) may kindly be dismissed with costs.

4. In order to prove the facts of case, petitioners (respondents in this case) examined Nakool Dower, Clerk, Income Tax Department as PW-



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1, Parshotam Lal, Patwari Halqa as PW-2, Ashwani Kumar, Patwari as PW-3, Naresh Kumar as Patwari Halqa as PW-4, Manjit Singh, Patwari, Additional Halqa as PW-5, Paramjeet Singh, Junior Assistant, Sub Registrar Office, Jalandhar as PW-6 and Simranjit Kaur (petitioner No. 1 in main case) as PW-7.

5. As per trial Court record, petitioner No. 1-wife Simranjit Kaur tendered her affidavit into evidence as PW-7/A on 30.05.2022 and her cross-examination was deferred on the request of learned counsel for respondent-husband (petitioner in this case). Even thereafter, Simranjit Kaur (petitioner No. 1 in main case) was present in Court but on account of conduct of Daljit Singh Hanjra-husband (respondent in main case), he was given another opportunity to make payment of ad-interim maintenance already awarded by trial Court. Despite passing of orders dated 01.10.2022 and 15.10.2022, payment of ad-interim maintenance was not deposited, as a result, finally present respondent-husband (petitioner in this case) did not get a chance to cross-examine petitioner No. 1-wife Simranjit Kaur PW-7 (respondent No. 1 in this case) nor he could lead evidence in defence.

6. After hearing arguments advanced by learned counsel for petitioners (respondents in this case) and learned counsel for respondent (petitioner in this case), petition filed under Section 125 Cr.P.C. by Simranjit Kaur-wife and her minor daughter Gursirat Kaur was partly allowed vide judgment dated 03.12.2022 passed by learned Additional Principal Judge, Family Court, Ludhiana vide which petitioner No. 1-wife (respondent No. 1 in this case) was granted maintenance @ Rs. 50,000/- per month and petitioner No. 2-minor daughter (respondent No. 2 in this



case) was granted maintenance @ Rs. 20,000/- per month alongwith 5% per annum increase as referred above.

Feeling aggrieved of this judgment present criminal revision been preferred by petitioner-husband (respondent in main case).

7. Learned counsel for petitioner-husband (respondent in main case) argued that judgment passed by learned Additional Principal Judge, Family Court, Ludhiana granting monthly maintenance of Rs. 50,000/- per month to respondent No.1 Simranjit Kaur-wife and Rs. 20,000/- per month to respondent No. 2 Gursirat Kaur-minor daughter (petitioners No. 1 and 2 respectively in main case) is highly excessive and without any basis. Earlier respondent No. 1-wife was granted ad-interim maintenance of Rs. 12,000/- per month and for respondent No. 2-minor daughter was granted ad-interim maintenance of Rs. 8,000/- per month, which has now been increased many folds without any tangible and valid reason. Evidence led in this case and documents proved on record were not rightly considered and appreciated by learned Additional Principal Judge, Family Court, Ludhiana. Respondents (petitioners in main case) examined Nakool Dawer, Clerk, who has proved on record Income Tax Return of Bee Ess Sanitation firm at Kapurthala Road, Jalandhar for the Assessment Year 2007-08, which is Ex.PW1/A, according to which Manjit Pal Singh and Daljit Singh (present petitioner) were mentioned as partners. He further proved on record Income Tax Return filed by petitioner Daljit Singh for Pal Corporation for the Assessment Year 2016-17 as Ex.PW1/B and its Acknowledgment Slip is Ex.PW1/C. There is another Income Tax Return for the Assessment Year 2007-08 filed by petitioner Daljit Singh, which is



Ex.PW1/D. This witness himself conceded that as per Assessment Year 2016-17, total income of petitioner Daljit Singh Hanjra after deduction was Rs. 63,300/-. Learned counsel for petitioner-husband argued that business suffered huge losses. Even then, learned Additional Principal Judge, Family Court, Ludhiana granted huge maintenance of Rs. 50,000/- per month for wife and Rs. 20,000/- per month for minor daughter which present petitioner-husband is unable to pay. At present, petitioner is involved in several cases including criminal cases. He is not earning any amount nor he possesses any property to pay huge maintenance awarded by Family Court. Facts and circumstances of the case have not been considered. She had left the matrimonial home without any valid reasons.

Learned counsel for petitioner-husband further raised issue that parental family of petitioner No. 1-wife is involved in several criminal cases. In grounds of revision, he has given detail of criminal cases registered against father and brother of his wife. Now, he is also falsely implicated in a criminal case with false allegations of maltreatment on account of demand of dowry and misappropriation of istridhan of his wife. During the proceedings of trial, petitioner-husband was not given proper opportunity to present his case. He did not get an opportunity to cross-examine Simranjit Kaur PW-7 nor he was permitted to lead his evidence in defence, as a result, he has suffered great prejudice. It is submitted that judgment passed by learned Additional Principal Judge, Family Court, Ludhiana granting huge amount of maintenance in favour of wife and minor daughter is not sustainable in eyes of law and same is liable to be set aside by accepting present revision and petition filed by petitioners deserve



dismissal.

8. On the other hand, learned counsel representing respondents (petitioners in main case) took the stand that judgment passed by learned Additional Principal Judge, Family Court, Ludhiana does not require any interference. Maintenance has been awarded in favour of wife and minor child, considering the financial status of petitioner-husband and his family. Simranjit Kaur-wife was ill-treated in matrimonial home, as a result, she came to her parents' house under compelled circumstances on 27.05.2015. Parents of respondent No. 1-wife made several efforts for compromise but present petitioner-husband and his family members refused to rehabilitate wife and minor child and also refused to return her dowry articles. When all efforts to effect compromise failed, finally written complaint was filed on the basis of which FIR No. 35 dated 12.03.2016 under Section 406, 498-A IPC was registered at Police Station Women, Ludhiana.

It is argued that petitioner-husband belongs to a reputed family. They are doing business of sanitary goods and surgical instruments for last more than 30 years. They are having showrooms and different concerns as detailed in petition. Apart from these businesses, they are having huge immovable properties in the shape of farm house, residential houses and commercial property, thus, earning huge rental income. They are having bank accounts, lockers, various policies and shares in different companies. In fact, during this matrimonial dispute, petitioner-husband has transferred his property standing in his name in favour of his brother Manjit Pal Singh. Copy of sale deed dated 17.08.2016, Ex.P6, is proved on record by examining Paramjeet Singh, Junior Assistant as PW-6. Respondents



(petitioners in main case) also examined Parshotam Lal, Patwari Halqa as PW-2 who further produced copy of Jamabandi for the year 2009-10 is Ex.PW2/A having entry of Mutation No. 33976 regarding transfer of 4-1/2 Marlas of land by Daljit Singh in favour of his brother Manjit Pal Singh. Ashwani Kumar, Patwari PW-3 has proved on record copies of Jamabandi and mutations as Ex.PW3/A to Ex.PW3/D, pertaining to their property of Basti Bawa Khel. Naresh Kumar, Patwari Halqa PW-4 has proved on record copy of Jamabandi for the year 2008-09 Ex.PW4/A, pertaining to property situated in Basti Pirdad Khan, Jalandhar, standing in the name of Manjit Pal Singh and present petitioner Daljit Singh along with their father Pritam Pal Singh. Manjit Singh, Patwari PW-5 has proved on record copy of Jamabandi for the year 2013-14 of village Usman Sahib, Tehsil Dasuya, Hoshiarpur Ex.PW5/A, showing agricultural land standing in the name of Pritam Pal Singh as well as his son Manjit Pal Singh i.e. brother of present petitioner. It is argued that during the pendency of case, present petitioner-husband did not make payment of ad-interim maintenance, as a result he could not cross-examine Simranjit Kaur-wife (petitioner No. 1 in main case) nor he could lead his evidence. Evidence led by respondent No. 1-wife (petitioner No. 1 in main case) remained unrebutted. Therefore, considering the requirement for day to day expenditure for both respondents (petitioners in main case) as well as status of parties, maintenance was rightly granted by learned Additional Principal Judge, Family Court, Ludhiana. Present criminal revision has been filed to further delay payment of maintenance. It is submitted that revision preferred by petitioner-husband (respondent in main case) deserves dismissal.



9. I have considered the arguments advanced by learned counsel for both the parties and have gone through the evidence led in this case with their able assistance. It is an admitted fact that Daljit Singh Hanjra and Simranjit Kaur got married on 01.12.2013 at Ludhiana. Out of this wedlock, they have a daughter born on 05.11.2014 who is now about 10 years old and a school going child. Both mother and daughter filed petition under Section 125 Cr.P.C. for grant of maintenance from Daljit Singh Hanjra, who is petitioner in this case (respondent in main case). Facts detailed in petition indicate that both husband and wife stayed together for a period of about one and a half years and on account of matrimonial dispute, Simranjit Kaur along with her minor daughter shifted to her parental house at Ludhiana. She as PW-7 in her affidavit has narrated various incidents of maltreatment on account of demand of huge cash amount which her parents could not satisfy. There are allegations of maltreatment given to her in matrimonial home during her stay with her husband and in-laws family. Petitioner-husband Daljit Singh Hanjra has denied all those allegations. In reply, petitioner-husband (respondent in main case) claimed that Simranjit Kaur-wife was having abnormal behavior. She used to find faults in each and every set up of the house. She used to pick up quarrels on petty matters. Rather, it is alleged that Simranjit Kaur wanted that her father-in-law should transfer their house situated in Adarsh Nagar in her name and it is further alleged that she was forcing her husband and in-laws family to give financial help of Rs. 15 lacs to her parents to effect compromise. However, these facts could not be proved on file by the respondent (petitioner in this case) by stepping into witness box



nor examined any witness. Fact remained that on account of matrimonial dispute, wife and minor daughter shifted to parental house of Simranjit Kaur. It is not disputed that on 27.05.2015, parents of Simranjit Kaur came to matrimonial home but no meeting took place. As per present petitioner-husband Daljit Singh Hanjra, nobody was present in house on that day, whereas, respondent No. 1-wife Simranjit Kaur claimed that her husband and in-laws family did not open the gate and when they were contacted on phone they refused to rehabilitate her and also refused to return her dowry articles. It is admitted that on the complaint of wife, FIR No. 34 dated 12.03.2016 (supra) was registered, in which petitioner-husband is facing criminal litigation. Therefore, respondent No. 1-wife Simranjit Kaur and her minor daughter respondent No. 2- Gursirat Kaur while living in parental house filed petition under Section 125 Cr.P.C. claiming maintenance.

10. Learned counsel representing petitioner-husband raised issue that he was not given proper opportunity to defend his case. Learned Additional Principal Judge, Family Court, Ludhiana did not permit him to cross-examine Simranjit Kaur examined as PW-7 nor he was permitted to lead his evidence in defence. Therefore, present petitioner could not defend himself in a proper manner. Perusal of trial Court record shows that respondent No. 1-wife Simranjit Kaur examined as many as seven witnesses, out of which counsel for petitioner-husband (respondent in main case) cross-examined six witnesses. Simranjit Kaur-wife tendered her affidavit into evidence as PW-7 on 30.05.2022. Cross-examination of this witness was deferred on the request of learned counsel for petitioner. He



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did not make payment of interim maintenance. Even thereafter, Simranjit Kaur (petitioner No. 1 in main case) was present in Court. Daljit Singh Hanjra-husband (respondent in main case) was given another opportunity to make payment of ad-interim maintenance already awarded by trial Court. Despite passing of orders dated 01.10.2022 and 15.10.2022, payment of ad-interim maintenance was not deposited, as a result, finally present petitioner-husband did not get a chance to cross-examine respondent No. 1-wife Simranjit Kaur PW-7 nor he could lead evidence in defence. Application filed by him under Section 311 Cr.P.C. was also declined. Conduct of present petitioner-husband clearly shows that he was adamant not to make payment of ad-interim maintenance. He could not withhold the amount of interim maintenance granted by trial Court. Therefore, he in fact violated the orders passed by trial Court granting ad-interim maintenance @ Rs. 12,000/- per month to Simranjit Kaur-wife and @ Rs. 8,000/- per month for minor daughter-Gursirat Kaur. At this stage, learned counsel representing petitioner-husband cannot say that he was not given adequate opportunity to present his case. There is no evidence led by him to establish the stand taken by him in the reply or the points raised in revision.

11. In order to award maintenance, trial Court is required to see financial status of parties as well as capability of petitioner-husband to make payment of maintenance. There is judgment of **Supreme Court of India** in case titled “**Rajnesh Versus Neha & Anr.**”, cited in **2021(2) SCC 324**, where elaborate factors have been explained in detail which are to be taken into consideration while granting maintenance under the provisions



of Section 125 of Cr.P.C. In the case in hand, Daljit Singh Hanjra is a well educated man having family business of sanitary goods and surgical instruments. Respondents (petitioners in main case) have given detail of different firms in the name of M/s Pal Corporation, M/s Bee Ess Sanitation, M/s B.S. & Company Steel Metal Contractor, which are run by Daljit Singh Hanjra-husband and his family. Learned counsel for respondents (petitioners in main case) examined Nakool Dawer, Clerk as PW-1 to prove Income Tax Returns of different concerns as well as Income Tax Returns of Daljit Singh Hanjra petitioner-husband. Respondents (petitioners in main case) further examined different Patwaris to prove other immovable properties owned by Pritam Pal Singh and his sons. Therefore, from the record available on file, it is evident that present petitioner is a man of means and he belongs to affluent family. During the course of evidence, it has come on record that petitioner-husband Daljit Singh Hanjra (respondent in main case) transferred property standing in his name in favour of his brother Manjit Pal Singh. Conduct of husband clearly indicates that in order to defeat the claim of wife and his daughter towards maintenance, he tried to dispose of the properties standing in his name. On the other hand, he took the stand that he is doing private job earning Rs. 10,000/- to Rs. 12,000/- per month. Learned Additional Principal Judge, Family Court, Ludhiana has rightly considered the evidence on record regarding financial status of the petitioner-husband.

At the same time, Daljit Singh Hanjra has no other liability on his shoulders. His parents and brother are financially independent, whereas, Simranjit Kaur and her daughter Gursirat Kaur are residing in her parental



house. Even if wife is qualified, at present she is not doing any job and is taking care of minor daughter who is about 10 years of age and a school going child. Petitioner-husband Daljit Singh Hanjra is able bodied man having sound financial status. Therefore, he is capable and duty bound to provide maintenance to his wife and minor daughter as per his status. Gainful reference can be made to the judgment of **Supreme Court of India** in case titled “**Shamima Farooqui Versus Shahid Khan**” cited in **(2015) 5 Supreme Court Cases 705**, para No. 14 runs as under :-

“14. It can never be forgotten that the inherent and fundamental principle behind Section 125 CrPC is for amelioration of the financial state of affairs as well as mental agony and anguish that a woman suffers when she is compelled to leave her matrimonial home. The statute commands that there have to be some acceptable arrangements so that she can sustain herself. The principle of sustenance gets more heightened when the children are with her. Be it clarified that sustenance does not mean and can never allow to mean a mere survival. A woman, who is constrained to leave the marital home, should not be allowed to feel that she has fallen from grace and move hither and thither arranging for sustenance. As per law, she is entitled to lead a life in the similar manner as she would have lived in the house of her husband. And that is where the status and strata of the husband comes into play and that is where the legal obligation of the husband becomes a prominent one. As long as the wife is held entitled to grant of maintenance within the parameters of Section 125 CrPC, it has to be adequate so that she can live with dignity as she would have lived in her matrimonial home. She cannot be compelled to become a destitute or a beggar. There can be no shadow of doubt that an



order under Section 125 CrPC can be passed if a person despite having sufficient means neglects or refuses to maintain the wife. Sometimes, a plea is advanced by the husband that he does not have the means to pay, for he does not have a job or his business is not doing well. These are only bald excuses and, in fact, they have no acceptability in law. If the husband is healthy, able-bodied and is in a position to support himself, he is under the legal obligation to support his wife, for wife's right to receive maintenance under Section 125 CrPC, unless disqualified, is an absolute right."

12. In the case in hand, learned Additional Principal Judge, Family Court, Ludhiana has awarded maintenance to the tune of Rs. 50,000/- per month for wife and Rs. 20,000/- per month for minor daughter. Petition for grant of maintenance was filed in the year 2019, which was finally decided on 03.12.2022. Respondent No. 1-wife (petitioner No. 1 in main case) has shifted to Ludhiana along with her minor daughter under compelled circumstances. At present she is staying at the mercy of her parents. She has got every right to live independently along with her child. Therefore, considering rent for two-room set in a decent locality as per their status, cannot be less than Rs. 20,000/- per month along with charges for electricity, water, monthly grocery, expenses of domestic help, expenditure for maintaining vehicle, clothes, medical expenditure if any, maintenance awarded by trial Court to the tune of Rs. 50,000/- per month to respondent No. 1-wife Simranjit Kaur (petitioner No. 1 in main case) is neither excessive nor unjustified. Similarly, child is going to Sacred Heart Senior Secondary School at Bhai Randhir Singh Nagar, Ludhiana. Child needs expenditure for her school admission, monthly fees, expenditure for school



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bus, uniform, books, tuition, food etc. Therefore, maintenance granted in favour of respondent No. 2-minor daughter Gursirat Kaur (petitioner No. 2 in main case) to the tune of Rs. 20,000/- per month is also fully justified. Both petitioners are entitled to enjoy same status and facilities as they would have enjoyed in the house of petitioner-husband Daljit Singh Hanjra.

Consequently, I do not find any reason to interfere in impugned judgment dated 03.12.2022 passed by learned Additional Principal Judge, Family Court, Ludhiana regarding quantum of maintenance awarded in favour of respondents i.e. wife and minor daughter of present petitioner-husband and same is accordingly upheld. However, clause detailed in aforesaid judgment regarding increase of maintenance at a flat rate of 5% per annum from the date of passing of judgment and increase starting from next year is not justified and same is accordingly set aside. In case there is any change in circumstances, there is specific clause under Section 127 Cr.P.C. (Section 146 of Bharatiya Nagarik Suraksha Sanhita, 2023) regarding alteration in allowance and in pursuance of this in case there is any change in circumstances, parties are at liberty to file appropriate application as per law.

With aforesaid modification, criminal revision preferred by petitioner-husband Daljit Singh Hanjra (respondent in main case) is accordingly, disposed of.

Pending application(s) if any, also stands disposed of.

03.04.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No