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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-150-2024 (O&M)
Reserved on 03.11.2025
Pronounced on 11.11.2025

HIMBA SHEINA @ HIMBA SHIENA

...PETITIONER

VERSUS

SUKHI JAGDEEP SINGH

...RESPONDENT

CRR(F)-310-2024 (O&M)
Reserved on 03.11.2025
Pronounced on 11.11.2025

HAJER SHEINA @ HAJER SHIENA

...PETITIONER

VERSUS

SUKHI JAGDEEP SINGH

...RESPONDENT

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Amitabh Tewari, Advocate
for the petitioner.

Mr. Raman Mahajan, Advocate
for the respondent.

SHALINI SINGH NAGPAL J.

1. Petitioners Himba Sheina @ Himba Shiena, wife and Hajer Sheina @ Hajer Shiena minor daughter of respondent have both challenged order dated 12.12.2023 of learned Principal Judge, Family Court, SAS Nagar, vide which the prayer of the wife for interim maintenance was declined and interim maintenance of Rs.60,000/- per month was assessed for the minor daughter, with effect from the date of filing of the application, till she attained the age of majority. The prayer in both petitions is for setting

aside/modification of the impugned order.

2. For better appreciation, convenience and clarity, the parties shall be referred to as husband, wife and daughter.

3. The facts, emanating from the record are that the husband and wife were married on 11.12.1998. Out of the wedlock, two daughters Sameera and Hajer were born. The elder daughter was 19 years old and younger was 17 years, old at the time of filing of the petition. The children were in the custody of the wife. In the petition under Section 125 Cr.P.C. filed by the wife and minor daughter, it was averred that soon after the marriage, the wife found that the husband was a daily drunkard who had no respect for her or her family members. His behavior was rude and abusive. During the period of 18-19 years of living with him, she suffered humiliation, illtreatment, physical, mental torture, domestic bickerings. Behavior of the husband was hostile. Even after birth of the children, things did not improve. The husband did not care for his two daughters. He had extra-marital affairs and put the wife to extreme humiliation and trauma. Though, he was a man of means, coming from a rich family, he did not provide any maintenance to the wife and the daughters. All dowry articles of the wife were illegally retained by him and his family members. His earnings were Rs.1 crore per month from various sources like rent, properties, bank returns, agricultural produce. He owned numerous properties in and outside India and was a multi-millionaire. The wife required financial assistance to maintain herself and her daughters in a decent, luxurious way. Both daughters were dependent upon the wife. A prayer was made for award of Rs.15,00,000/- per month as interim

maintenance allowance for the wife and Rs.5,00,000/- to the minor daughter.

4. The husband contested the petition. Reply was filed raising preliminary objections regarding maintainability etc. It was stated that the petition was misuse of the process of law, filed intentionally and deliberately, with intent to harass him. The wife had concealed true and material facts. She did not disclose her income and earnings in the petition only to take undue benefit of law. She was earning rental income from various properties of his father and was living an adulterous life. The husband claimed that due to recession, he was unemployed and was trying to find a job. He suffered losses in his business in the year 2011 and decided to shift to Muscat, Oman but the wife refused to accompany him on which account, he started visiting India after every 2-3 months, leaving behind his company R.S. Infrastructure in the hands of the wife. He also purchased many properties in the name of the wife in India and abroad. Not a single complaint was filed against the husband during the matrimonial life of 20 years. The wife was rude and demanded more and more money. All allegations levelled in the petition were denied. The husband claimed that he had left all his rights, earnings from the properties and company for the well being and maintenance of the wife and the children. The wife was a business woman with good source of income from various properties. She was Managing Director of R.S. Infrastructure Limited and had income of more than Rs.6,00,000/- to fulfill her basic needs and those of the children. Prayer was made for dismissal of the petition.

5. Learned counsel for the wife and the daughter submits that the order under challenge was against law and facts, passed without appreciating

relevant material. The wife was merely a housewife, was not working and had spent her entire married life looking after the husband and her two daughters. She could not be forced to lead life of destitution and vagrancy. As per admission of respondent, he was earning more than Rs.2,30,000/- per month and owned immovable properties worth crores of rupees. He also had investments worth Rs.1.5 crores in mutual funds, besides precious jewellery and Rolex watches. Thus, the Court ought to have considered the standard of living of the husband, inflation rates and high cost of living. Petitioner had no sources of fixed or regular monthly income and was erroneously denied maintenance allowance. The Family Court neither considered the mode of life the wife was used to nor capacity of the husband to pay. The wife was eating out of her resources, selling mutual funds for maintenance as the husband refused to provide her maintenance. The income reflected in the returns was not from any job but from her savings. The fact that the husband had also invested Rs.1.5 crores in mutual funds and had flow of Rs.2,30,000/- was wrongly ignored. The wife and the daughter were living in rented accommodation and daily expenses were making a hole in her savings. Both daughters were completely dependent on the mother and the wife had no resources left to take care of the needs of her daughters. Thus, order dated 12.12.2023 deserved to be modified by awarding a sum of Rs. 20,00,000/- per month, to the petitioner(s).

6. It has also been argued that in view of law laid down in **Jagdish Jugtawat Vs. Manju Lata and Others 2003(3) RCR (Criminal) 471; Jagmohan Singh Vs. Lovepreet Kaur 2019(3) RCR (Criminal) 736; Satish Kumar Vs. State of Punjab 2005(1) RCR (Criminal) 256; Jagir**

Singh Vs. Jasbir Kaur and Others 2004(4) RCR (Criminal) 371, the unmarried daughter was entitled to maintenance even after attaining majority till her marriage and the provisions of Section 20(3) of The Hindu Adoptions and Maintenance Act, 1956, could be read into Section 125 Cr.P.C. while deciding the claim for interim maintenance of the daughter.

7. On behalf of the husband, it was argued that the marriage was solemnized on 11.12.1998 and out of the wedlock, two daughters were born on 15.09.1999 and 24.08.2001. The parties were living separately with effect from 06.09.2018. It was submitted that the wife sold the property of the husband by fabricating documents and a criminal case was registered against her. She was arrested and remained in custody for two years, after which she was granted bail. She was intentionally not coming forward to depose in the petition and had filed multifarious litigation against the husband. Her petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 had also been dismissed. For the minor daughter, the husband was paying Rs.60,000/-, though her whereabouts are not known. It was argued that learned trial Court committed no error in declining the prayer for interim maintenance to the wife and awarding Rs.60,000/- to the daughter, till the age of majority.

8. The parties were married on 11.12.1998. Out of the wedlock, two daughters Sameera and Hajer were born. The petition under Section 125 Cr.P.C. was filed by the wife and minor daughter Hajer, who attained majority during pendency of the petition. The children are in the custody of wife. The daughter, Hajer Sheina was pursuing her studies in the tricity, at the time of filing the petition. Both parties, in compliance of directions of

Hon’ble Supreme Court in **Rajnesh Vs. Neha (2021) 2 SCC 324**, have filed affidavits of disclosure of assets, income and expenditure before the Court of learned Principal Judge, Family Court, SAS Nagar Mohali, being a mandatory requirement.

9. As per affidavit filed by the wife, her monthly expenditure is Rs.2.5 to 3 lakhs which she has been incurring on household expenditure, maintenance of dependents, transport, medical expenses, entertainment etc. As per her statement of assets, she is owner of one flat in Silver Oak Apartments, DFL, Phase I, Gurugram. The details of her bank accounts are as under:

Sr. No.	Bank account name	Current Balance
1.	HDFC Bank	Rs.14,04,709/-
2.	Axis Bank	Rs.1,37,015.79/-
3.	State Bank of India, Branch Sector-70, SAS Nagar Mohali	Rs.36,072.28/-
4.	State Bank of India, Branch 3B-2 SAS Nagar, Mohali	Rs.3,578.00/-

10. The affidavit further reveals that the wife has disposed of Flat No.2277-E, Sector 63, Chandigarh for Rs.40,00,000/-, though, it is not disclosed when the property was disposed of. The wife, on the average, (column No.77), makes withdrawal of Rs.2.5 to 3 lakhs per month from her bank account and has two credit cards with limit of Rs.5 lakhs each. She stays in 5 star hotels, drives Volkswagen, uses Apple mobile phone and Omega wrist watches. Column No.43 discloses that she had mutual funds worth Rs.2.3 crores at the time of filing of the affidavit.

11. The husband, on the other hand, has reflected a monthly income of Rs.2,33,266/- and monthly expenditure of Rs.1,27,125/-. In his affidavit,

it is disclosed that the wife has property in Yellow Head County, Canada, Flat in Housing Board Complex, Chandigarh and another in Sector 44, Chandigarh besides one plot R-81, Phase 8-B, Focal Point, Mohali and two cars. The details of the husband’s property given in Part VI of the statement of assets as under:-

- i. 2 Bigha Plot in Morni, Haryana.
- ii. 50% share in Plot No. B-40., Industrial Area, Phase-3 Mohali.
- iii. Kothi No.2163, Sector-15, Chandigarh.
- iv. 50% share in Kothi No.857-858, Phase 3B-2, Mohali.
- v. Plot in Canada Yellow Head County.
- vi. 17 Acre at Village Chapperchiri, District Mohali and Land 12 acre at Village Rasulpur Jandi, Jagraon, Ludhiana.

The details of his bank account are as under:-

Sr. No.	Bank Name	Current Balance
1.	IndusInd Bank	Rs.45,000/-
2.	Axis Bank	Rs.4,30,000/-
3.	HDFC Bank	Rs.4,37,811.35/- Rs.20,000/-

12. The parties belong to rich income group and enjoy a high standard of living. Lifestyle of the parties, before separation was lavish and luxurious. Undeniably, the wife has mutual funds worth Rs.2.5 crores and is also filing income tax returns wherein her annual income is reflected as under:-

Sr. No.	Assessment Year	Income
1.	2017-18	Rs.10,02,443/-
2.	2018-19	Rs.20,83,403/-
3.	2019-20	Rs.15,55,710/-
4.	2022-23	Rs.10,78,070/-

13. Thus, the wife has movable and immovable assets and is earning substantial income therefrom, as reflected in her tax returns.

14. In **Shailja and another Vs. Khobbanna, (2018) 12 SCC 199**, **Sunita Kachwaha and Ors. Vs. Anil Kachwaha, (2014) 16 SCC 715** and **Rajnish Vs. Neha (2021) 2 SCC 324**, Hon'ble Supreme Court has ruled that if the wife is earning, it cannot operate as a bar to award a maintenance by the husband. The Court has to determine whether the income of the wife is sufficient to enable her to maintain herself, in accordance with the lifestyle of her husband in the matrimonial home.

15. Respondent too, is a moneyed man having assets worth crores of rupees but has no liability. The wife, after separation is burdened with the responsibility of both children. She would be devoting time and energy on their upbringing, looking after their day to day affairs and their emotional needs, thus performing an onerous duty. On a comparative analysis, the assets and income of the husband, as disclosed in his affidavit are substantially more than the wife. As discussed hereinabove, a separated wife is entitled to maintenance allowance, in accordance with the lifestyle of her husband, which she had been enjoying while living in the matrimonial home. Even though, the wife is earning income from her assets like mutual funds etc., she will be entitled to supplementary maintenance in accordance with the status in life of the husband. In the circumstances of the case, order of learned Principal Judge, Family Court, SAS Nagar, disentitling her to maintenance allowance cannot be sustained. Even though, the wife has income, it cannot be ignored that she is eating out of her own resources while the husband who has no other liability, has neither offered nor ever

sent any maintenance allowance. Considering the lifestyle of the husband, his financial standing, the worth of his immovable properties, mutual funds and his monthly income, learned Family Court erred in not awarding maintenance allowance to the wife. In the circumstances of the case, order dated 12.12.2023 declining relief to the wife is set aside to that extent and a sum of Rs.75,000/- per month, is awarded as maintenance allowance to the wife.

16. The daughter Hajer Sheina, minor at the time of filing the petition, has attained majority during pendency. In **Abhilasha Vs. Parkash 2024(4) RCR (Criminal) 141**, Hon'ble Supreme Court observed that a Family Court has jurisdiction to decide a case under Section 125 Cr.P.C., 1973 as well as the suit under Section 20 of Act, 1956, in such eventuality, Family Court can exercise jurisdiction under both the Acts and in an appropriate case can grant maintenance to unmarried daughter even though she has become major enforcing her right under Section 20 of Act, 1956 so as to avoid multiplicity of proceedings as observed by this Court in the case of **Jagdish Jugtawat Vs. Manju Lata, 2002(5) SCC 422**. However, the Magistrate in exercise of powers under Section 125 Cr.P.C., 1973 cannot pass such order.

17. This Court, in **Bhavya Pathania and Anr. Vs. Navdeep Pathania CRR(F) 1112 of 2022**, considered the legal question whether unmarried daughter was entitled for grant of maintenance under Section 125 Cr.P.C. Relying upon a Division Bench judgment of Kerala High Court in **Muhammed Shaji Versus State of Kerala and others, 2023(2) ILR Kerala 406**, of Bombay High Court in **Murlidhar Krushnarao**

Virulkar Versus Ku. Neha, 2025 (1) AIR BomR (Cri) 227, of Allahabad High Court in **Awadhesh Singh Versus State of U.P and others, 2025(168) ALR 850**, it was observed that an unmarried major daughter was entitled for the grant of maintenance, even in a proceeding under Section 125 Cr.P.C in case the same is tried by a Family Court where both the jurisdictions vest.

18. In view of the pronouncements above, learned Principal Judge, Family Court, SAS Nagar, erred in law while declining maintenance to the major unmarried daughter after she attained the age of majority. The order is to be modified on this aspect as well.

19. Coming to the quantum, Rs.60,000/- has been awarded to the daughter. The petition does not disclose where the daughter Hajer Sheina is studying. All it says is that the children are pursuing studies from esteemed institutions of the cities. During the course of arguments, it is informed that the daughter was earlier studying in Canada where she joined college in 2020 but due to financial constraints of her mother, she returned to India in 2024. Be that as it may, considering the status in life of the parties, growing age of the daughter, who is applicant before this Court, her requirements for clothing, shelter, education, medical health and other reasonable wants such as entertainment, hobbies etc., in accordance with the status of the family she belongs to, the sum of Rs.60,000/- awarded to her appears to be appropriate which she will be entitled to receive till she gets married or starts earning, whichever is earlier.

20. Both petitions stands determined, on the terms above. The revision petition filed by the wife is allowed while the revision petition filed

by the daughter is partly allowed.

21. Pending miscellaneous applications, if any, stand disposed of.
22. A photocopy of this order be placed on the file of connected case.

11.11.2025
Sumit Singla

(SHALINI SINGH NAGPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No