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

**CRR(F)-299-2025
Date of decision: 01.05.2025**

PARDEEP SINGH

...Petitioner(s)

VERSUS

SIKHA DEVI AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Satish Kumar Rana, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the judgment dated 17.12.2024 passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri, vide which maintenance under Section 125 Cr.P.C. has been granted to respondent No.1-wife to the tune of Rs.3,000/- per month and to respondent No.2-minor daughter, who is now of the age of about 6 years to the tune of Rs.1,500/- per month, totalling Rs.4,500/- per month.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner-husband was not having sufficient sources and was earning only Rs.10,000/- per month and respondent No.1-wife had withdrawn from his society, although minor daughter is under the care and custody of respondent No.1-wife but the amount of maintenance which has been fixed for the respondents as aforesaid is on the excessive side. He further submitted that



respondent No.1-wife is also doing her private business of tailoring etc. and is earning, regarding which no document could be placed on the record and therefore, the aforesaid impugned judgment dated 17.12.2024 passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri may be set aside.

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

4. It is a case where the petitioner-husband has filed the present revision petition challenging the judgment dated 17.12.2024 passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri, whereby maintenance has been granted to the respondents as aforesaid. The marriage between the petitioner and respondent No.1 took place on 21.02.2018 and out of the said wedlock, one female child who is respondent No.2 in the present case was born on 01.02.2019, who at the time of filing a petition under Section 125 Cr.P.C. for grant of maintenance was of the age of about 1 year and now she is about 6 years old. The marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that the aforesaid girl child-respondent No.2 was born out of the said wedlock and is under the care and custody of respondent No.1-wife. An argument was raised by the learned counsel for the petitioner that since the income of the petitioner-husband is only Rs.10,000/- per month, he is not able to pay the aforesaid total amount of maintenance of Rs.4,500/- per month and also since respondent No.1-wife is working, although her income could not be established on record, the impugned judgment passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri may be set aside.



5. A perusal of the aforesaid impugned judgment passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri would show that on the basis of respective affidavits filed by the petitioner and respondent No.1 pertaining to declaration of their assets and liabilities in terms of the judgment passed by Hon'ble Supreme Court in **Rajnesh versus Neha and another, (2021) 2 SCC 324** and the evidence so adduced, it was found that the petitioner-husband is doing a job in Punjab Chemical Crop Limited as a Helper and his net salary is stated to be Rs.11,589/- per month and on the other hand, respondent No.1-wife is only 10th pass and she has got neither any source of income nor any property in her name. Nothing has been placed on the record to show that respondent No.1-wife is working except for bald allegations by the petitioner-husband that she is doing some private work. Rather it was the case of respondent No.1-wife that she is living under hunger and starvation and is at the mercy of God. The income of the petitioner-husband is not in dispute.

6. From the aforesaid facts and circumstances, it is very clear that the petitioner-husband was not only legally bound but also socially and economically bound to maintain his wife and minor daughter, who was of the age of about 1 year at the time of filing the petition under Section 125 Cr.P.C. and is now of the age of about 6 years and rather as of now, she would either be ready for going to school or may have already started with her schooling. So far as the quantum of maintenance as fixed, which is only Rs.1,500/- per month for respondent No.2-minor daughter is concerned, an argument raised by the learned counsel for the petitioner that the same is on the excessive side is unsustainable and is hereby rejected. Rather the aforesaid amount of



maintenance appears to be on the lesser side for a minor daughter. Similarly, by no stretch of imagination it can be said that an amount of Rs.3,000/- per month for respondent No.1-wife is on the excessive side. The mere fact that the petitioner-husband is not able to earn more than his actual income would not deprive respondent No.1-wife and respondent No.2-minor daughter, who is now of the age of about 6 years of their right of maintenance under the statutory provisions of law.

7. Hon'ble Supreme Court in **Anju Garg versus Deepak Kumar Garg, (2022) SCC Online SC 1314** dealt with this issue that when the husband is not able to earn more money then as to whether he is liable to pay at least the reasonable maintenance to the wife, children and parents etc. or not. It was observed by Hon'ble Supreme Court that in case the husband is an able-bodied man and is not earning or is earning very less, then he should earn more even by doing labour work etc. to discharge his legal obligations. The relevant portion of the aforesaid judgment of Hon'ble Supreme Court in **Anju Garg's case (Supra)** is reproduced as under:-

“10. This Court had made the above observations as the Court felt that the Family Court in the said case had conducted the proceedings without being alive to the objects and reasons, and the spirit of the provisions under Section 125 of the Code. Such an impression has also been gathered by this Court in the case on hand. The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally



permissible grounds mentioned in the statute. In Chaturbhuj vs. Sita Bai (2008) 2 SCC 316, it has been held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy. As settled by this Court, Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. It also falls within the Constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution of India.”

8. In view of the aforesaid facts and circumstances and the fact that the present is a revision petition, wherein the scope is very limited, this Court does not find any illegality or perversity in the judgment dated 17.12.2024 passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri.

9. Consequently, the present revision petition is hereby dismissed with Rs.10,000/- (Rupees Ten Thousand) as costs. The petitioner is directed to deposit the aforesaid costs before the Court of learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri, within a period of three months from today. On his depositing the aforesaid costs, the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri shall transmit the same to respondent No.1-wife forthwith by any suitable mode. The learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri shall ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in default of the same, appropriate measures be taken by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri for recovery of the aforesaid amount



from the petitioner in accordance with law. In case the aforesaid amount of costs is still not deposited by the petitioner then learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri shall send a report to this Court and on receipt of the same, the Registry of this Court shall list this case before this Court.

10. A copy of this order be sent to the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri.

01.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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