



CRR(F)-318-2025 (O&M)

-1-

111

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

**CRR(F)-318-2025 (O&M)
Date of Decision: 21.03.2025**

Kamaljit Singh alias Kawaljit Singh

..... Petitioner

Versus

Daljeet Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Duhan, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed for setting aside the order dated 12.12.2024 passed by learned Additional Principal Judge, Family Court, Patiala, Camp Court Samana by which the application filed by the respondent/wife for grant of interim maintenance has been decided and an amount of ₹3,000/- per month as interim maintenance has been fixed in this regard.

2. Learned counsel for the petitioner submitted that it is a case where the respondent/wife was having an illicit relationship with some other person due to which the petitioner has withdrawn from the company of the respondent and therefore, she is not entitled for grant of any maintenance. He further submitted that apart from the above, the petitioner has no source of income and nothing was proved on the record to show that he is having any income as so presumed by learned Family Court to be ₹40,000/- per month by running a milk dairy. He submitted that in the absence of any

**CRR(F)-318-2025 (O&M)****-2-**

income of the petitioner on the record and the aforesaid conduct of the respondent/wife, she is not entitled for grant of maintenance and therefore, the impugned order dated 12.12.2024 may be set aside.

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

4. It is a case where the respondent/wife has filed a petition under Section 125 Cr.P.C. against the petitioner/husband. Learned Family Court has dealt with the entire issue based upon the affidavits on record. An allegation has been made by the petitioner/husband with regard to the conduct of the respondent/wife pertaining to her having an illicit relationship with another person. A perusal of the impugned order passed by learned Family Court would show that the petitioner rather filed a petition for declaring the marriage void under Section 11 of the Hindu Marriage Act, 1955 on the aforesaid ground but the same has since been dismissed. The petitioner has not been able to make out any case pertaining to any illicit relationship of the respondent/wife with any other person. Not only this, as per the impugned order, the petitioner is running a milk dairy and is earning an amount of ₹40,000/- per month, although no regular record has been shown before learned Family Court. Be that as it may, learned Family Court has granted interim maintenance of only a meager amount of ₹3,000/- per month. It is a settled law that even assumingly the husband is not having any source of income still he is under legal obligation and also under the moral and social obligation to maintain his wife. Hon'ble Supreme Court in "**Anju Garg Vs. Deepak Kumar Garg**", 2022 SCC Online SC 1314 has observed that it is not only a statutory duty of the husband but it is also a moral duty of the husband to maintain the wife. The relevant portion of the aforesaid judgment 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 Chaturbhuji 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.”

5. After hearing learned counsel for the petitioner and after perusing the impugned order, this Court is of the considered view that the scope of the present revision petition is very limited. This Court has not been able to find any perversity or any illegality in the impugned order passed by learned Family Court. Even otherwise also, the amount of maintenance which has been fixed by learned Family Court is only ₹3,000/- and therefore, no interference can be made by this Court in exercising the powers in the present revision petition.

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

21.03.2025

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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