

**CRR(F)-320-2025 (O&M)****-1-**

119

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***********CRR(F)-320-2025 (O&M)
Date of Decision: 01.04.2025**

Surya Kant

..... Petitioner

Versus

Lavanya

..... Respondent

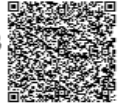
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Attri, Advocate for the petitioner.

**********JASGURPREET SINGH PURI, J. (ORAL)**

1. The present revision petition has been filed for setting aside the order dated 04.02.2025 passed by learned Principal Judge, Family Court, Rewari by which an amount of ₹15,000/- per month as interim maintenance has been granted in favour of the respondent, who is the minor daughter of the age of 5 years.

2. Learned counsel for the petitioner submitted that it is a case where even as per the affidavits pertaining to the declaration of income and assets which have been filed at the time of consideration of interim maintenance, it has come on record that the petitioner is working as an Executive Engineer in Public Health Engineering Department in Haryana Government and his income as a net pay is ₹88,810/- per month as per his salary statement of March, 2023-2024 and so far as the wife of the petitioner, who has not claimed maintenance in the aforesaid petition under Section 125 Cr.P.C. is concerned, she is also working as a Junior Engineer in BSNL and her income is ₹56,214/- per month. He further submitted that



so far as the marriage between the parties is concerned, the same is not in dispute and it is also not in dispute that the respondent is a girl child who was of the age of 4 years at the time of filing of the petition under Section 125 Cr.P.C. before learned Family Court and is in the care and custody of her mother. He also submitted that at the time of fixation of interim maintenance, learned Family Court ought to have considered that the mother of the child is also working and is earning an amount of ₹56,214/- per month. Although the present petitioner is shown to have gross pay of ₹1,08,700/- per month, but his net pay is ₹88,810/- per month and therefore, considering the aspect of proportionality, the petitioner is not liable even for payment of interim maintenance and therefore, the interim order is absolutely perverse and is liable to be set aside.

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

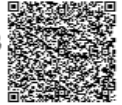
4. It is a case where the petitioner has come up before this Court by filing the present revision petition impugning the order by which an interim maintenance of ₹15,000/- per month has been granted to a minor daughter, who is of the age of 5 years and is stated to be in the care and custody of her mother. The mother of the child had not filed a petition under Section 125 Cr.P.C. because she is also working and stated to be having an income of ₹56,214/- per month.

5. The argument which has been raised by learned counsel for the petitioner that since the mother of the child is also working and having a source of income, the petitioner although being the father is not liable for payment of any maintenance to the daughter. The aforesaid argument raised by learned counsel for the petitioner is absolutely misconceived,



unsustainable and against the record. It is not only a legal duty but also a moral duty of the father to maintain his minor children. The mere fact that the wife, who is the mother of respondent/child is also earning an amount of ₹56,214/- per month, the same cannot become a ground for disentitling the minor child, who is of the age of 5 years for grant of maintenance particularly when the petitioner, is working as an Executive Engineer in Public Health Engineering Department in Haryana Government and his income is ₹88,810/- per month. It would have been different if the petitioner had agitated with regard to quantum of maintenance but the present revision petition has been filed only for challenging the impugned order whereby interim maintenance has been granted to the respondent on the ground that petitioner is not entitled at all to maintain child. The interim maintenance of ₹15,000/- per month has been granted to a minor daughter, who is of the age of 5 years and is now ready to go to the school and also to seek quality education. It is a settled law that the status of the parties is also to be seen while deciding the quantum of maintenance.

6. The present is a case where both the parents are highly educated and highly placed where the petitioner is working as an Executive Engineer and his wife is working as a Junior Engineer and therefore, both are well-placed in the society. The quality of education and quality of life which is to be given to the minor daughter, who is now ready for going to the school also has to be commensurate with the status of the parents. Not only this, the medical expenditure and inflationary tendencies which are rising up, the aforesaid amount of ₹15,000/- per month cannot be said to be on the higher side. The argument which has been raised by the learned

**CRR(F)-320-2025 (O&M)****-4-**

counsel for the petitioner that the petitioner is not liable to maintain the child in the presence of income of his wife is contrary to law and facts.

7. In view of the aforesaid facts and circumstances, this Court does not find any illegality and perversity in the impugned order passed by learned Principal Judge, Family Court, Rewari and therefore, the present revision petition is hereby dismissed with ₹25,000/- as costs. The petitioner is directed to deposit the aforesaid costs with learned Family Court, Rewari within a period of three months from today and on the receipt of the same, learned Principal Judge, Family Court, Rewari shall deposit the same in the name of the respondent/child in the form of F.D. through the mother of child. In case, the aforesaid cost is not deposited within the aforesaid period, then learned Family Court shall ensure that the same is recovered from the petitioner in accordance with law.

01.04.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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