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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***********CRR(F)-324-2025 (O&M)
Date of Decision: 01.04.2025**

Amandeep

..... Petitioner

Versus

Snehlata and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

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

1. The present revision petition has been filed for setting aside the order dated 11.02.2025 passed by learned Additional Principal Judge, Family Court, Rewari by which an amount of ₹14,000/- per month (₹7,000/- per month to respondent No.1/wife and ₹3,500/- per month each to the minor daughters, who are of the age of 6 years and 3 years) as interim maintenance has been awarded.

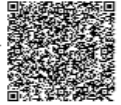
2. Learned counsel for the petitioner submitted that it is a case where even if it has come on record that the petitioner is working as an Associate Technician in Maruti Company, Manesar and his monthly income as shown in the affidavit to be ₹75,000/- per month, but at the same time he was also taking care of his wife and children by paying household expenses pertaining to car loan, scooty loan, home loan, EMI, school fee of children, Sukanya Samridhhi Yojana monthly deposit and LIC policy installments etc. and the petitioner and the respondents are staying in the same house although at different floors. He further submitted that even the house is in

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the name of respondent No.1/wife and rather purchased by him in her name. He also submitted that as per the affidavit filed by respondent No.1/wife, she has no source of income and as per the affidavit filed by the petitioner/husband, his salary is ₹75,000/- per month but at the same time, since they are residing in the same house and he is bearing all the expenses of his wife and children, they were not entitled for grant of interim maintenance and therefore, the impugned order is liable to be set aside.

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

4. It is a case where the petitioner is the husband, respondent No.1 is the wife and respondents No.2 & 3 are the minor daughters of the age of 6 years and 3 years respectively. A petition under Section 125 Cr.P.C. was filed by all the three respondents against the petitioner in which the impugned order has been passed by which an interim maintenance has been granted to the tune of ₹14,000/- per month in total, out of which, ₹7,000/- per month has been granted to respondent No.1/wife and ₹3,500/- per month each has been fixed for his minor daughters as an interim maintenance. It is the argument of learned counsel for the petitioner that although respondent No.1/wife does not have any source of income as per her affidavit and as per the affidavit of the petitioner, his income is ₹75,000/- per month but considering the fact that he is bearing all the expenses of his wife and children i.e. car loan, scooty loan, home loan, EMI, school fee of children, Sukanya Samriti Yojana monthly deposit and LIC policy installments etc. and also the fact that the petitioner is taking care of children as well and some time they also come to visit him and stay with him and therefore, no such interim maintenance order could have been passed in the present case.



5. A perusal of the impugned order would show that after noting the aforesaid facts and considering the affidavits filed by the respective parties pertaining to declaration of assets and liabilities, learned Family Court came to the conclusion for the purpose of considering an application for grant of interim maintenance that in spite of the aforesaid facts and circumstances, in order to prevent the respondents i.e. the wife and minor daughters from destitution and vagrancy, an interim maintenance has to be fixed.

6. During the course of arguments, a specific query was raised to learned counsel for the petitioner as to whether the petitioner and the respondents are living in the same house or not to which he submitted that they are living in the same house but on the separate floors. From the above, it is therefore, clear that if they are living separately although in the same house, they must be having a separate kitchen and therefore, for all intents and purposes, their residence has to be considered as a separate residence and therefore, day-to-day expenses ought to be borne by respondent No.1/wife.

7. The marriage between the petitioner and respondent No.1 is not in dispute. It is also not in dispute that two minor daughters, who are of the age of 6 years and 3 years respectively, were born out of the wedlock and they are under the care and custody of respondent No.1/wife. The petitioner is stated to be having even as per his affidavit an income of ₹75,000/- per month and on the other hand, respondent No.1/wife is stated to be having no source of income at all, but in addition to above she is also having care and custody of two minor daughters.



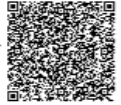
8. It is very surprising that when it has come on the record that respondent No.1/wife and her two minor daughters are living in a separate accommodation although in the same house, then how as per argument raised by the petitioner that he is paying household expenses pertaining to car loan, scooty loan, home loan, EMI, school fee of children, Sukanya Samridhhi Yojana monthly deposit and LIC policy installments etc. would disentitle the respondents i.e. his wife and children for claiming any maintenance. Under Section 125 Cr.P.C. (Now Section 144 of BNSS) and also in view of the law laid down by Hon'ble Supreme Court, it is not only the legal and statutory responsibility of the husband to maintain the wife and minor children but it is a moral, social and economic responsibility to do so.

9. In the present revision petition two different aspects are to be considered by this Court. Firstly, as to whether the impugned order by which interim maintenance was granted was in accordance with law or not and secondly, as to whether by filing the present revision petition against an interim order the petitioner has only perpetuated a litigation and filed a vexatious petition or not. So far as the first aspect is concerned, *ex facie* it is clear that no perversity or illegality can be found in the impugned order in which only an amount of ₹7,000/-+₹3,500/-+₹3,500/- = ₹14,000/- per month has been awarded to the respondents as an interim maintenance. The admitted income of the petitioner as shown in his affidavit to be ₹75,000/- per month and admittedly, respondent No.1/wife is not having any source of income and his minor daughters are living under the care and custody of respondent No.1/wife. The mere fact that the petitioner is also paying some household expenses pertaining to car loan, scooty loan, home loan, EMI,



school fee of children, Sukanya Samridhhi Yojana monthly deposit and LIC policy installments etc. cannot itself become a ground for denial of interim maintenance to the respondents. The purpose of interim maintenance is only that in the interregnum period till the time the petition under Section 125 Cr.P.C. is decided for the purpose of taking out the wife and the children from destitution, vagrancy and to maintain themselves for their livelihood, such interim maintenance is to be granted. The petitioner has chosen to file the present revision petition against an order of interim maintenance only. Once it has come on record that respondent No.1/wife is not having any source of income and having the care and custody of two minor daughters and the petitioner is having an income of ₹75,000/- per month, then by no stretch of imagination it can be said that the impugned order by which an interim maintenance was granted is illegal and erroneous under any circumstance. Therefore, the argument raised by learned counsel for the petitioner that the impugned order is perverse and illegal is absolutely unsustainable.

10. So far as the second aspect worth consideration in the present case is concerned, in the light of the aforesaid facts and circumstances in which it has come on record that the petitioner is earning an amount of ₹75,000/- per month and respondent No.1/wife is having no source of income but at the same time having the care and custody of her two minor daughters who are of the age of 6 years and 3 years respectively and are also impleaded as respondent Nos.2 & 3 in the present case, then the petitioner ought not to have perpetuated litigation by filing the present revision petition against only an order of interim maintenance. Had it been the case that the

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petitioner had filed the revision petition against the final order after the entire evidence is led, then it would have been different but at the drop of a hat, he has just filed the present revision petition against an interim order when the facts and circumstances are so clear in the impugned order itself. Rather it was the duty of the petitioner to pay the interim maintenance in the light of the aforesaid facts and circumstances and therefore, this Court is of the considered view that the petitioner has perpetuated the litigation by impleading the respondents i.e. his wife and minor daughters and *ex facie* filed a vexatious petition.

11. In view of the aforesaid facts and circumstances, the present revision petition is hereby dismissed with ₹25,000/- (Rupees Twenty Five Thousand Only) as costs which shall be paid by the petitioner to the respondent No.1/wife within a period of 3 months from today. The aforesaid costs shall be deposited by the petitioner before learned Family Court, Rewari at the first instance within the aforesaid period and then the same shall be remitted to respondent No.1/wife by learned Family Court. 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**

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