



119

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

**CRR(F)-360-2025
Date of decision: 20.05.2025**

PREM

...Petitioner(s)

VERSUS

ESHU AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the judgment dated 21.12.2024 passed by the learned Principal Judge, Family Court, Panipat, vide which maintenance under Section 125 Cr.P.C. has been granted to respondent No.2-minor daughter of the age of 13 years to the tune of Rs.8,000/- per month, respondent No.3-minor daughter of the age of 7½ years to the tune of Rs.8,000/- per month and respondent No.4-minor daughter of the age of about 5½ years to the tune of Rs.8,000/- per month, totalling Rs.24,000/- per month.

2. Learned counsel for the petitioner submitted that the petitioner is serving in the Indian Army and his wife has died, although there were allegations against him that he murdered his wife but the trial in proceedings under Section 302 of the IPC is still pending. He further submitted that there are



four daughters of the petitioner, out of which one daughter is residing with him and the other three daughters to whom maintenance has been granted are residing with their maternal grand-father and they are minor. He further submitted that as per the aforesaid impugned judgment, the basic pay of the petitioner is Rs.45,400/- per month and his salary varies depending on his place of posting. He further submitted that the aforesaid amount of maintenance which is directed to be paid and which the petitioner is paying to his three minor daughters is being used by his father-in-law i.e. maternal grand-father of the three minor daughters and therefore, the aforesaid impugned judgment may be set aside or in the alternative, the aforesaid amount of maintenance may be reduced. He also submitted that the petitioner is ready to take the custody of his three minor daughters.

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

4. It is the case where the four daughters of the petitioner filed a petition under Section 125 Cr.P.C. for grant of maintenance and vide aforesaid impugned judgment, the learned Principal Judge, Family Court, Panipat has granted maintenance only to three minor daughters i.e. respondents No.2 to 4 to the tune of Rs.8,000/- per month each, totalling Rs.24,000/- per month. It was alleged by the respondents-daughters that the petitioner had killed their mother and the trial under Section 302 of the IPC in this regard is pending, which is not disputed by the learned counsel for the petitioner. Presently, three minor daughters i.e. respondents No.2 to 4 are residing with their maternal grand-father. It was argued by the learned counsel for the petitioner that the aforesaid amount of maintenance is being utilized by the maternal grand-father of three



minor daughters and therefore, the petitioner is not liable to pay the same and in the alternative, the aforesaid quantum of maintenance may be reduced.

5. A perusal of the aforesaid impugned judgment would show that admittedly, the mother of respondents No.2 to 4-minor daughters and the wife of the petitioner has died, although the trial against the petitioner is pending. It is also not in dispute that the petitioner is serving in the Indian Army and as per the observation made by the learned Principal Judge, Family Court, Panipat in the aforesaid impugned judgment as so proved on record, his basic pay is stated to be Rs.45,400/- per month. In the month of July, 2024, the total salary of the petitioner was Rs.1,12,360/- per month, in the month of August, 2024, his total salary was Rs.99,860/- per month and in the month of September, 2024, his total salary was Rs.1,38,211/- per month. The aforesaid variation in the salary of the petitioner has come up because of risk allowance as it is subject to the place of posting. Therefore, on the average the petitioner is earning around Rs.1,00,000/- per month, which can be subject to variation as well. However, the claimants are three minor daughters of the petitioner regarding which there is no dispute. At present, respondents No.2 to 4-minor daughters are residing with their maternal grand-father. The aforesaid amount of maintenance which has been fixed by the learned Principal Judge, Family Court, Panipat is only Rs.8,000/- per month each for the three daughters, who are now grown up.

6. The argument which has been raised by the learned counsel for the petitioner that the petitioner is ready to take the custody of the three minor daughters would not be sustainable in view of the fact that the petitioner has not filed any such application for taking the custody of his three minor daughters



i.e. respondents No.2 to 4, although he is having the custody of his fourth daughter and even otherwise also, the same is not the subject matter of the petition filed under Section 125 Cr.P.C. On the basis of the salary of the petitioner and the fact that there are three minor daughters of the petitioner who are seeking maintenance, the learned Principal Judge, Family Court, Panipat has granted the aforesaid amount of maintenance and therefore, this Court is of the considered view that there is no illegality or perversity in the aforesaid impugned judgment dated 21.12.2024 passed by the learned Principal Judge, Family Court, Panipat and no interference can be made in this regard.

7. So far as the quantum of maintenance is concerned, considering the salary of the petitioner and the age of his three minor daughters i.e. respondents No.2 to 4, which is stated to be 13 years, 7½ years and 5½ years, respectively, the aforesaid amount of maintenance of Rs.8,000/- per month each for the three minor daughters cannot be said to be on the higher side by any stretch of imagination. Therefore, the argument raised by the learned counsel for the petitioner pertaining to quantum of maintenance is also rejected.

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

(JASGURPREET SINGH PURI)
JUDGE

20.05.2025
Chetan Thakur

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