



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

CRR-763-2025 (O&M)
Reserved on:- 17.7.2025
Date of Decision: 05.8.2025

Nikhil Goyal

.....Petitioner

Versus

Deepali Goyal

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Argued by: Mr. Pritpal Singh Nijjar, Advocate,
Mr. Viraj Gandhi, Advocate and
Mr. Adarsh Kumar Dubey, Advocate
for the petitioner.

Ms. Vibuti Narania, Advocate
for the respondent.

KIRTI SINGH, J.

1. The instant revision petition has been preferred against the common impugned order dated 23.12.2024 passed by the learned Additional Sessions Judge, Gurugram, in two cross appeals i.e. one preferred by the present petitioner-husband bearing CIS No. CRA-406-2019 and the other preferred by the respondent-wife bearing CIS No. CRA-486-2019. Both the said appeals were preferred against the order dated 20.7.2019 passed by the learned Judicial Magistrate Ist Class, Gurugram, whereby the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act of 2005') filed by the respondent-wife, was partly allowed. Vide impugned order dated 23.12.2024, the appeal preferred by the husband-petitioner was dismissed by the learned Appellate Court, whereas the appeal preferred by the respondent-wife was partly allowed while upholding the



judgment dated 20.7.2019 passed by the learned Judicial Magistrate Ist Class, Gurugram. The learned Appellate Court concerned while passing the said impugned order has upheld the finding of the learned Court below with regard to the maintenance amount of Rs. 20,000/- per month to each daughters being paid by the petitioner herein being their father. Moreover, the respondent-wife was held entitled to receive Rs. 40,000/- per month from her husband in lieu of alternate accommodation for herself and her daughters in case they are turned out of their present residential accommodation.

Brief facts of the case

2. The brief facts of the present case are that the marriage between the petitioner and the respondent was solemnized on 11.2.2000, as per Hindu rites and ceremonies at Delhi. Out of the said wedlock, two children were born on 5.7.2004 and 5.2.2006. The couple along with the daughters reside in the same 4 BHK house situated at Flat No. 102, Sovereign C-4, Vaitka City, Sector-49, Sohna Road, Gurugram, which is owned by Seema Goyal, mother of the petitioner. Some temperamental differences and matrimonial disputes had arisen between the parties, leading to filing of the petition under Section 12 of the Act of 2005 by the respondent-wife against the petitioner and his mother Seema Goyal before the learned Judicial Magistrate Ist Class, Gurugram. Vide order dated 20.7.2019, passed by the learned Magistrate concerned, the said petition was partly allowed, whereby it was observed that though the respondent-wife had been subjected to domestic violence in the form of desertion, leading to emotional abuse, however, given the fact that she had been earning independent income while the miscellaneous expenses were being taken care of by the husband, it was held that the respondent-wife was not entitled to any specific relief under the Act. However, both the daughters were held entitled to a sum of Rs. 20,000/- per



month each as cost of maintenance. Furthermore, it was held that in case the respondent-wife and the daughter are turned out of the house, thereupon an additional amount of Rs. 30,000/- per month would be payable by the petitioner to the respondent-wife as maintenance expenses for alternative accommodation.

3. Being aggrieved from the above order, both the petitioner as well as the respondent filed two separate appeals (supra) before the learned Additional Sessions Judge, Gurugram. Vide a common order dated 23.12.2024, passed by the learned Appellate Court concerned, the appeal preferred by the husband was dismissed, whereas the appeal preferred by the respondent was disposed of. In the said impugned judgment, the learned Appellate Court upheld the quantum of maintenance granted to the daughters to the tune of Rs. 20,000/- per month each as cost of maintenance, while the amount of Rs. 30,000/-, which was awarded in case the respondent wife and the children were turned out of the house, was enhanced to Rs. 40,000/- per month. Categorical observations qua the petitioner subjecting the respondent-wife to emotional and economic abuse were also made therein. Aggrieved from the same, the husband has preferred the present petition.

Submissions of the learned counsel for the petitioner

4. Learned counsel for the petitioner has argued that the learned Appellate Court has failed to examine the true facts and circumstances of the present case, besides the oral/documentary evidence led by the parties; and the observation so recorded in the impugned order, is completely based on a wrong perception of the factual matrix and misinterpretation of the settled position of law and the provisions prescribed under the statute. It has further been submitted that the parties are admittedly living under same roof but in



separate rooms owing to their marital differences. Further, neither any specific plea qua desertion has been taken by the respondent nor any application under Section 9 of the Hindu Marriage Act, 1955 for the Restitution of Conjugal Rights has been preferred by the her.

5. Learned counsel has further argued that the Courts below have rightly concluded that since the respondent has failed to make out a case for the reliefs claimed by her, therefore, she was not entitled for any maintenance. In fact, as were the specific findings of the Courts below that the respondent has levelled false allegations of demand of dowry and harassment and has made unsubstantiated claims of abortion, it is the petitioner who was being subjected to mental and emotional abuse. The learned Appellate Court has also failed to appreciate the fact that both the daughters have since attained the age of majority, and there is no provision under the Act of 2005, which prescribes the maintenance of a child, who has attained the age of majority.

6. It is the contention that the Courts below have awarded maintenance to the daughters without proper application of mind to Section 20 of the Act of 2005, especially when the respondent cannot be held as an aggrieved person. Furthermore, it is the categoric admission of the respondent that the petitioner was looking after the necessary expenses of the children as also the household expenses. In support of his submissions, learned counsel for the petitioner has placed reliance on the judgment passed by this Court in case titled as '**Raman Ahuja versus Vandana**' reported in **2018 SCC OnLine P&H 5546**, **Koushik versus Sau. Sangeeta Kaoushik Gharami and others**. Further, reliance has been placed on the judgments passed by the Bombay High Court and the Karnataka High Court respectively in cases titled as **Koushik versus Sau. Sangeeta Kaoushik**



Gharami and others, Criminal Writ Petition No. 32/2014 and Sri. G. Kalasegowda versus Smt. N.K.Nethravathi, Criminal Revision Petition No. 795/2015.

Submissions of the learned counsel for the respondent

7. Learned counsel for the respondent submits that the order passed by the learned Appellate Court concerned is a well reasoned order and the same has been passed after proper appreciation of evidence on record. It has further been argued that the petitioner subjected the respondent to cruelty and harassment, causing great damage to her mental and emotional well being. Despite residing in a shared household, the petitioner did not make any efforts to reconcile with the petitioner, rather subjected her to not only emotional but also physical desertion. Not only was this observation recorded by both the learned trial Court as also the Appellate Court, but it was also noted therein that the conduct of the petitioner towards their daughters amounted to parental alienation, especially during their formative years, which were to form the foundational structure of their life to come. It is submitted that despite sharing a roof, the petitioner was not aware of co-curricular activities or the otherwise routine of his daughters. Learned counsel vehemently contends that the responsibility of a father is not limited to providing monetary comforts to the children, but for their holistic growth and development, it is equally important that attention is paid to their overall well being, which was not the case in the present situation. Despite the handsome monthly earnings of the petitioner which amounts to approximately Rs. 2.00 lacs per month, the learned trial Court awarded a nominal sum of Rs. 20,000/- to be paid per month to each of the two daughters, and even that could not be adhered to by the petitioner. In fact, as of date, the petitioner is in arrears of Rs. 46.00 lacs to be paid to their



daughters.

8. Learned counsel submits that the it was the bona fide intent of the respondent to hold the petitioner accountable for his actions or lack thereof, for which the petition under the Domestic Violence Act was preferred. It is submitted that the acts which take place within the confines of a house are more often than not difficult to substantiate with the help of evidence. A cumulative conspectus of the situation must be taken to determine the true factual aspects of the allegations and counter allegations that are levelled in matrimonial cases. It has further been argued that though the respondent was earning and therefore, was not granted any monetary relief under the Act of 2005, however, it must also be seen that the small earnings that the respondent has, are not sufficient to satisfactorily meet even her basic expenses, let alone the maintenance of both her daughters. It is, therefore, pleaded that given the established fact that the petitioner had indeed indulged in acts of emotional and economic abuse towards the respondent, thereby categorizing her as an aggrieved person as per the Act of 2005, thus, the petitioner be made to fulfill at least his moral and legal obligations towards their daughters, being children of the aggrieved person under the Act of 2005.

9. In support of her submissions, the learned counsel has placed reliance on the judgments passed by this Court in case titled as ***Gurcharan Vir Singh versus Ravneet Kaur***, reported in ***2019(4) RCR (Criminal) 740***, ***Jagmohan Singh versus Lovepreet Kaur*** reported in ***2019(3) RCR (Criminal) 736***. Further, reliance has also been placed on the judgments passed by the Madras High Court and the Andhra Pradesh High Courts respectively in cases titled as ***T.Vimala and others versus S. Ramakrishnan***, reported in ***2016 SCC Online Mad 12324*** and ***Menti Trinadha Venkata***



Ramana versus Menti Lakshmi and two others reported in SCC Online AP 2860.

Inference(s) of this Court

10. Heard the rival contentions made by the learned counsels for the parties and have also pursued the records with their able assistance.

11. Vide order dated 8.4.2025, passed by this Court, the parties were directed to appear before the Mediation and Conciliation Centre of his Court on 09.4.2025 to explore the possibility of an amicable resolution to the dispute. However, as per the report of the Mediation and Conciliation Centre, the matter could not be settled.

12. The purpose of enacting the Act of 2005 was to acknowledge the widespread phenomena of domestic violence, which though intricately weaved in the social fabric of the society, remained unaddressed and overlooked at large. To deal with this social evil, the legislation in its wisdom passed this legal framework, providing remedy to the victims of domestic violence and safeguarding them with reliefs, be it in the form of protection, right to shared household and monetary relief, among other reliefs.

13. Before proceeding further, it would be relevant to refer to the extract of the relevant provisions containing the definitions of ‘aggrieved person’ and ‘domestic violence’. The bare language of the provisions reads thus-

“Section 2(a) - 'aggrieved person' means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent.

3. Definition of domestic violence.—For the purposes of this Act, any act, omission or commission or conduct of the respondent



shall constitute domestic violence in case it—

- (a) **harms or injures or endangers** the health, safety, life, limb or **well-being, whether mental or physical**, of the aggrieved person or tends to do so and includes causing **physical abuse, sexual abuse, verbal and emotional abuse and economic abuse**; or*
- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or*
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or*
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.*

Explanation I.—For the purposes of this section,—

- (i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;*
- (ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;*
- (iii) “verbal and emotional abuse” includes—*
 - (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and*
 - (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested;*
- (iv) “economic abuse” includes—*
 - (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, house hold necessities for the aggrieved*



person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared house hold and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.”

14. Section 20 of the Act of 2005 deals with the monetary reliefs as under-

‘20. Monetary reliefs.—

(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,—

(a) the loss of earnings;

(b) the medical expenses;

(c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and



(d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.

(4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.

(5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).

(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.”

15. It is an unstated truth that the acts of domestic violence, more often than not, are carried out within four walls, thereby making it extremely difficult for the victims to prove the acts that they were subjected to. It is therefore that in such cases, the standard of proof required is not as stringent. Trite to say that the Courts are required to read between the lines, and after the preponderance of all possibilities, determine whether or not the allegations so made contain any substance or not.

16. The Act of 2005 does not give a restrictive definition of



domestic violence. Rather it envisages an all inclusive concept of abuse-be it physical, sexual, emotional, verbal and even economic abuse. Section 3(a) of the Act of 2005 expressly provides that any harm, injury or endangerment of even the mental well being of an aggrieved person would amount to domestic violence. Similarly, the term economic abuse, which is relevant in the instant case, as defined under the Act of 2005 includes deprivation of all or any economic/financial resources which the aggrieved person is entitled under any law or custom, whether payable under an order of the Court or otherwise, or which the aggrieved person requires out of necessity. Furthermore, a bare perusal of Section 20 of the Act of 2005 makes it clear that monetary reliefs can be ordered to be paid to an aggrieved person and any child, to meet the expenses incurred and losses suffered by that person, and includes the sum for maintenance of the aggrieved person as well as her children, which is to be adequate, fair, reasonable and consistent with the standard of living to which the aggrieved person is accustomed to.

17. Reverting to the case in hand, the matrimonial relationship between the parties is admitted, thus satisfying the test of 'domestic relationship' under the Act of 2005. Moving further, it was observed and upheld by the learned trial Court and the Appellate Court respectively, that the respondent, having been subjected to emotional and economic abuse, did fall in the category of an 'aggrieved person' under the Act of 2005. This conclusion was arrived at by the Courts below, by observing that the husband, despite residing with the wife and children in the same household, made no efforts to reconcile with the wife. Rather, it was he who deserted them. Here, the Courts below did not use the term desertion as limited to the physical aspect of it, but as a wider concept, including the emotional aspect within the ambit. It was also observed that despite living in the same house



and having ample opportunities to initiate dialogue with his wife or keep a check and contribute towards holistic growth of their children, the petitioner-husband did not do so. In fact, the petitioner when confronted in his cross-examination qua the daily routines of his children, was not in a position to satisfactorily answer the query. No doubt, it was admitted by the wife in her cross-examination that the husband had incurred certain educational expenses of the children and also some miscellaneous expenses, be it the electricity and water bills of the house or the salaries of the household staff, however, the same does not absolve him of the emotional abuse that he subjected his wife and children to. It is an unfortunate truth that the brunt of familial discord weighs the heaviest on the children. Therefore, while dealing with matrimonial matters involving children, Courts must not take a hyper-technical view and go into the intricacies of the legal provisions, but adjudicate, albeit within the bounds of law, in a way that best suits the interest of all parties and leads to substantive justice, since law should be for the people and not the other way around.

18. In view of the afore discussion, this Court is of the view that the impugned order, insofar as it upholds the award of maintenance of Rs. 20,000/- per month each to the two daughters and also to the extent where it directs for the provision of Rs. 40,000/- per month to the aggrieved wife and her children in lieu of alternate accommodation, suffers from no illegality or infirmity that might warrant interference by this Court. The said amount was fixed after taking into account the monthly expenses of the daughters, which was found to be more than Rs. 20,000/- per month. Moreover, insofar as the provision of Rs. 40,000/- per month to the respondent-wife and her daughters in lieu of alternate accommodation, is concerned, the said order has been passed after taking into account the



difficulty in finding a good accommodation in the city of Gurugram for less than Rs. 70/80,000/- per month. However, the said order is modified to the extent that the maintenance to the tune of Rs. 20,000/- per month each is to be paid to the daughters from the date of the filing of the petition under the Act of 2005, till they attained the age of majority, in sync with the definition of 2(b) of the Act of 2005, which defines a 'child' as any person below the age of 18 years.

19. However, it is open to the daughters to claim further maintenance, if needed, under the relevant provisions envisaged under different statutes including but not limited to Section 125 Cr.P.C. and Section 20 of the Hindu Adoption and Maintenance Act. What has only been considered hereinabove is the validity of the orders passed under the Act of 2005.

20. With the afore observations, the instant petition stands disposed of.

21. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

August 05, 2025
Gurpreet Singh

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