



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR(F)-509-2025 (O&M)
Date of decision:08.04.2025

Shruti Dhawan

.....Petitioner

Versus

Navjot Dhawan and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. A.D.S. Jattana, Advocate or the appellant.

JASGURPREET SINGH PURI J.(Oral)

CRM-14534-2025

The present application has been filed under Section 5 of the Limitation Act for condonation of delay of 03 days in filing of the present revision petition.

For the reasons mentioned in the application, the same is allowed and delay of 03 days in filing the present revision petition, is hereby condoned.

Application stands disposed of.

Main case

1. The present revision petition has been filed assailing the order dated 10.12.2024 passed by learned Principal Judge, Family Camp Court, SAS Nagar, to the extent of claiming enhancement of interim maintenance granted to the petitioner-wife .
2. The present petition has been preferred by wife against the husband seeking enhancement of interim maintenance.



3. Learned counsel appearing on behalf of the petitioner-wife submitted that she got married to respondent no.1-husband on 18.11.2005 at Zirakpur, Punjab. At the time of marriage, the respondent No.1 was running a property business under the name 'International Properties' in Mohali, owning various movable and immovable properties. After the marriage, the petitioner suspected that her husband was a drug addict. Two children were born out of the marriage who are currently under the care and custody of respondent no.1 and not with the petitioner. He submitted that in the petition filed under Section 125 Cr.P.C. for grant of maintenance, an application was also moved for grant of interim maintenance and the same was decided by way of the impugned order dated 10.12.2024, wherein interim maintenance of ₹33,000/- was awarded to the petitioner. He contended that this amount is on the lower side and is liable to be enhanced by this Court and for this purpose, the present revision petition has been filed.

4. He further submitted that after matrimonial disputes arose between the petitioner and respondent no.1, which persisted for several years, the petitioner began residing with her sister and started working at her sister's school and she is earning an amount of Rs.40,000/- per month as a salary from the school.

5. He also submitted that, in compliance of judgment of the Hon'ble Supreme Court in ***Rajnish v. Neha, 2021 (2) SCC 324***, both the petitioner-wife and respondent no.1-husband have filed their respective affidavits disclosing their assets and liabilities. According to the affidavit filed by the petitioner-wife, which is attached to the present petition, her monthly income is ₹40,000. She is staying with her sister and holds a Master's Degree in Political Science and is



now teaching. So far as affidavit of respondent no.1-husband is concerned, which has also been attached alongwith the present petition, he has shown his income to be Rs.50,000/- per month. He submitted that respondent No.1-husband and his family members are running a large family business and they also own luxury cars along with a luxury lifestyle. However, the respondent-husband has wrongly disclosed his income to be Rs.50,000/- per month, whereas his actual income is much more than that and rather as per the information of the petitioner, the income of respondent-husband is estimated to be between Rs. 8,00,000/- to Rs.10,00,000/- per month. He also submitted that the petitioner has filed a separate complaint before learned Magistrate, alleging that respondent No.1-husband has concealed his actual income by filing an affidavit before the concerned Court and therefore, the petitioner has requested that appropriate action be taken against respondent No.1. He further submitted that the interim maintenance of Rs.33,000/- granted to the petitioner is on the lower side, considering the status of the parties and the fact that the income of the respondent-husband is approximately Rs.8,00,000/- to Rs.10,00,000/-, which he has materially concealed in his affidavit and as such in view of the aforesaid facts and circumstances, the interim maintenance granted to the petitioner-wife be enhanced commensurate with the status of the parties and the income of respondent No. 1.

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

7. The present is a criminal revision petition filed by the petitioner-wife for enhancement of interim maintenance granted to her, which was to the tune of Rs. 33,000/- per month vide order dated 10.12.2024. Some of the facts have not



been disputed by learned counsel for the petitioner, i.e. the petitioner and respondent No. 1 were lawfully married and out of the wedlock, two children were born, who are under the care and custody of respondent No.1-husband. It is also not disputed that the petitioner-wife is a teacher in a school and is earning Rs.40,000/-per month. The income of the respondent-husband, as per his affidavit filed in pursuance of a judgment of Hon'ble Supreme Court in ***Rajnesh's case (supra)***, is shown to be Rs. 50,000/- per month

8. It is the argument of learned counsel for the petitioner that the actual income of respondent No.1-husband was not Rs. 50,000/- per month but it ran between Rs.8,00,000/- to Rs.10,00,000/- which he concealed from the learned Principal Judge, Family Camp Court, SAS Nagar at the time of filing the affidavit pertaining to declaration of his assets and liabilities. Learned Principal Judge, Family Camp Court, SAS Nagar, on the basis of aforesaid facts and circumstances, whereby the petitioner herself was earning Rs. 40,000/- per month and after deducting her expenses, which were evaluated as Rs.7,000/- per month, had granted an interim maintenance of Rs. 33,000/- per month. A perusal of the operative part of the order dated 10.12.2024 would show that the learned Principal Judge, Family Court, SAS Nagar, has referred to the salary of the petitioner to be Rs. 40,000/- out of which Rs.7,000/- has been considered as her expenses and her net amount left after deducting her expenses comes out to be Rs.33,000/- and has observed that the same is to be deducted from the amount of Rs.66,000/-. The learned Court has also referred to the figure of Rs.66,000/-, which appears to have been arrived at by the learned Principal Judge, Family Camp Court, SAS Nagar, as being 1/3rd of the income of the respondent-



husband, which the learned Family Court assessed to be to the tune of Rs. 2,00,000/- per month, as per para No. 17 of the impugned order. It was further observed that although the exact income of the respondent-husband could not be determined at that stage but considering his affidavit, properties, and his status as an able-bodied person, his income was estimated accordingly. Out of the assessed Rs. 66,000/-, since the petitioner was already contributing Rs. 33,000/- (after deducting her expenses from her income), the remaining Rs.33,000/- was awarded to her as interim maintenance by learned Family Court. The impugned order is solely an order whereby interim maintenance has been decided, while the main petition under Section 125 Cr.P.C. is still pending. Learned counsel for the petitioner submitted that the actual income of respondent No.1 was significantly higher than what has been stated, but there is nothing on record to substantiate this claim, except for the affidavit filed by respondent No. 1, which states his income to be Rs. 50,000/-. It is yet to be determined at the time of adducing evidence when the main petition under Section 125 of Cr.P.C. is to be adjudicated but for the purpose of considering the grant of interim maintenance, learned Family Court thought it fit to arrive at a tentative figure of Rs. 2,00,000/- and accordingly 1/3rd of the aforesaid amount was awarded to the petitioner. It is not a case where the petitioner has come up against the final order of the Court but rather she has challenged the interim order granting interim maintenance and in this way, she is receiving Rs. 40,000/- from her own income and Rs.33,000/- by way of interim maintenance. The children born out of the wedlock are admittedly under the care and custody of respondent No. 1-husband. In case respondent No.1 has filed a false affidavit before learned



Principal Judge, Family Camp Court, SAS Nagar, then as submitted by learned counsel for the petitioner, she has already availed of the remedy by filing a complaint in this regard and which can be considered at the time of adjudication of that application as well as at the time of final adjudication of the main petition under Section 125 Cr.P.C.

9. The scope of the revision petition is also very limited and interference can be made by the revisional Court only when there is ex-facie perversity, illegality or when the order is passed without jurisdiction. However, this Court is of the considered view that there is neither any perversity nor illegality in the impugned order passed by the learned learned Principal Judge, Family Camp Court, SAS Nagar, especially considering that the order pertains to grant of interim maintenance only. Accordingly, the present petition is devoid of any merit and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

08.04.2025

shweta

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