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

**CRR(F)-445-2025 (O&M)
Date of decision: 21.04.2025**

SAJAN

...Petitioner(s)

VERSUS

SITA RANI

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Gautam Kaile, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

CRM-12998-2025

Prayer in this application is for condonation of delay of 58 days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 58 days in filing the present revision petition, is hereby condoned.

CRR(F)-445-2025

1. The present revision petition has been filed for setting aside the judgment dated 28.10.2024 passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri, vide which maintenance under Section 125 Cr.P.C. has been granted to the respondent-wife to the tune of Rs.5,000/- per month. It has been further directed by the learned Principal Judge, Family



Court, Yamuna Nagar at Jagadhri that any amount of maintenance awarded in the petition is adjustable with any other amount awarded as maintenance to the respondent-wife in any other petition.

2. Learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent is not in dispute and they got married on 05.03.2018 but after few months, the respondent-wife started living separately from the petitioner and rather the petitioner-husband filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. He further submitted that even an FIR under Section 498-A of the IPC is pending against the petitioner-husband and due to the matrimonial dispute between the parties, they have been living separately. He further submitted that as per the affidavit filed by the petitioner declaring his assets and liabilities before the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri vide Exhibit-CX, it has been stated by him that he is a Labourer and is having an income of Rs.10,000/- per month. So far as the income of the respondent-wife is concerned, he submitted that although the petitioner had so pleaded before the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri that the respondent-wife possesses knowledge of beauty parlour work and is working and earning more than Rs.7,000/- per month but the same could not be proved before the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri because no documents with regard to the same could have been placed on the record. He also submitted that be that as it may, since the petitioner is working as a Labourer, he is not able to pay the aforesaid maintenance of Rs.5000/- per month to the respondent-wife and therefore, the aforesaid



judgment passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri may be set aside.

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

4. It is a case where the petitioner-husband has filed the present revision petition challenging the judgment dated 28.10.2024 passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri, whereby maintenance has been granted to the respondents as aforesaid. The marriage between the parties is not in dispute. The learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri on the basis of evidence adduced by the respective parties came to the conclusion that so far as the income of the petitioner-husband is concerned, in additional evidence one witness, namely, Harpreet Singh, who is a Clerk in the office of District Bureau of Employment Generation Skilled Development and Training, Shaheed Bhagat Singh Nagar (Nawan Shahar) was examined as PW-4 and the income of the petitioner even as per his salary certificate produced on file was Rs.18,000/- per month. So far as the respondent-wife is concerned, who had filed a petition under Section 125 Cr.P.C., she was not working anywhere and was neither having any source of income nor the same was proved by the petitioner-husband. It was also observed by learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri that it has been proved that the petitioner has a child from another marriage and he is residing with some other lady. In this way, the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri came to the conclusion that the respondent-wife was entitled for grant of maintenance to the tune of Rs.5,000/- per month.



5. Once it has been proved on the record that the petitioner-husband is working and earning an amount of Rs.18,000/- per month, while on the other hand, the respondent-wife is having no source of income, then it is not only a statutory but also legal, social, economic and moral responsibility of the husband to maintain his wife. The right flows not only from the statutory provisions of Section 125 Cr.P.C. but also from various judgments of Hon'ble Supreme Court as well, vide which the law has been settled that even if the husband is not working but is an able-bodied man then still he has to maintain his wife. However, in the present case it has been proved on the record that the petitioner-husband is working and is having an income of Rs.18,000/- per month and on the contrary, the respondent-wife is not earning anything and is having no source of income. The factum of marriage between the petitioner and the respondent is not in dispute.

6. In view of the aforesaid facts and circumstances and the fact that the present is a revision petition, wherein the scope is very limited, this Court does not find any illegality or perversity in the judgment dated 28.10.2024 passed by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri. The facts and circumstances of the present case make it clear that once it has been *prima facie* established on record before the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri that the petitioner-husband is earning an amount of Rs.18,000/- per month and the respondent-wife is not earning anything at all, this Court is of the considered view that filing of the present revision petition by the petitioner is totally vexatious and with an apparent intention to perpetuate litigation against the wife. Even otherwise also, the



aforesaid maintenance of Rs.5,000/- per month cannot by any stretch of imagination be said to be on the excessive side.

7. Consequently, the present revision petition is hereby dismissed with Rs.10,000/- (Rupees Ten Thousand) as costs. The petitioner is directed to deposit the aforesaid costs before the Court of learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri, within a period of three months from today. On his depositing the aforesaid costs, the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri shall transmit the same to the respondent-wife forthwith by any suitable mode. The learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri shall ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in default of the same, appropriate measures be taken by the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri for recovery of the aforesaid amount from the petitioner in accordance with law. In case the aforesaid amount of costs is still not deposited by the petitioner then learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri shall send a report to this Court and on receipt of the same, the Registry of this Court shall list this case before this Court.

8. A copy of this order be sent to the learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri.

9. Miscellaneous applications, if any, shall also stand disposed of since the main case has been dismissed.

(JASGURPREET SINGH PURI)
JUDGE

21.04.2025
Chetan Thakur

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