



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

(245)	<u>CRR(F) No. 195 of 2021</u>	
(1)		
Sujeeta		Petitioner
Versus		
Banti		Respondent
(2)	<u>CRR(F) No. 491 of 2024(O&M)</u>	
Banti alias Bunty Lather		Petitioner
Versus		
Sujeeta		Respondent

Date of Decision: 24.09.2025

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parminder Singh, Advocate
for the petitioner(s) in CRR (F)-195-2021 and for the
respondent CRR(F)-491-2024.

Mr. Pankaj Bali, Advocate for the petitioner
in CRR(F)-491-2024 and for the respondent
in CRR(F)-195-2021.

KIRTI SINGH, J. (ORAL)

CRM-15159-2024 in CRR(F) No. 491 of 2024

This is an application filed under Section 5 of the Limitation
Act for condonation of delay of 783 days in filing the present petition.

Heard.

For the reasons mentioned in the application, the same is
allowed and the delay of 783 days in filing the present petition, is hereby
condoned.

CRR(F) No. 195 of 2021 & CRR(F) No. 491 of 2024

1. This order shall decide the aforementioned two petitions, since
the same have been filed challenging the same impugned order dated
08.02.2021 passed by learned Addl. Principal Judge, Family Court, Karnal.



For brevity, facts are being extracted from CRR(F) No.195 of 2021.

2. The present petition has been preferred against order dated 08.02.2021 passed by learned Addl. Principal Judge, Family Court, Karnal, under Section 125 of the Cr.P.C., whereby maintenance of Rs.8,000/- per month was awarded in favour of the wife. Furthermore, a sum of Rs. 10,000/- was also awarded to her as litigation expenses.

3. The brief facts of the case are that the marriage between the petitioner and the respondent was solemnized on 17.02.2009, as per Hindu religious rites and ceremonies at Village Gorgipur, Tehsil and District Karnal. Thereafter, a matrimonial dispute ensued between the couple and the wife filed a petition under Section 125 Cr.P.C. for seeking maintenance. The husband filed a reply and contested the claim made by the wife. The learned Family Court vide order dated 08.02.2021 granted maintenance to the tune of Rs.8,000/- per month in favour of the wife along with Rs.10,000/- as litigation expenses. Aggrieved by the inadequate maintenance, the wife has approached this Court by filing the present petition.

4. Learned counsel appearing on behalf of the wife contends that the learned Addl. Principal Judge, Family Court, Karnal, has allowed the maintenance to her on the lower side, and the same deserves to be enhanced to at least Rs.20,000/- per month, as the husband is employed as a lineman in the UHBVN Department on a salary of Rs.40,000/- per month. Besides this, the husband also owns agriculture land and various properties whereas the petitioner is dependent upon her widow mother. He also submitted that petitioner has suffered mental and physical harassment at the hands of her in laws. In fact, the husband had initiated divorce proceedings against the petitioner, however, the same was dismissed after giving specific findings. Thus, in view of these submissions, the wife is entitled for enhancement of



the maintenance amount.

5. On the other hand, learned counsel for the husband contends that already a very high sum of interim maintenance of Rs.11,000/- was awarded to the wife by the Learned ACJM, Karnal, vide order dated 16.09.2017 in a complaint filed by her under the DV Act. Subsequently, a maintenance amount of Rs.8,000/- per month was granted to the wife by way of the impugned order dated 08.02.2021, at the time of final disposal of the maintenance application filed by her. It is submitted that the payment of such hefty sums of maintenance is beyond the means of the respondent-husband, who was placed under suspension w.e.f. 01.08.2017 owing to the pending cases/FIR registered against him at the instance of the wife, leaving him in a position where he is unable to extend financial support.

6. Heard.

7. Vide order dated 21.08.2025, this Court had referred the matter before the Mediation & Conciliation Center of this Court, however, as per the report received therefrom, the parties could not reach at any amicable settlement.

8. The object and purpose behind granting maintenance is to ensure that the dependent spouse and children are not reduced to destitution or vagrancy on account of failure of marriage or any other unfortunate circumstance. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of



the Constitution of India.

9. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375***, speaking through Justice Fatima Beevi, opined that as follows:

“3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife.”

10. A two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria v. State of Gujarat (1996) 4 SCC 479***, speaking through Justice Faizan Uddin, opined as follows:-

“15. ... While dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation.”

11. The rival claimants must scrupulously bring on record their actual respective earning capacities in order for the Court to arrive at quantum of maintenance which is just and fair in terms of principle of equistatus. The quantum of maintenance must be justifiable and realistic to provide succour to the dependent spouse and also to avoid occurrence of the two extremes of the maintenance being either paltry or extravagant, ensuring that neither of the two is reduced to a life of penury. The adequacy of the



maintenance allowance has to be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable comfort.

12. While dealing with the issue of maintenance in extenso, a two Judge bench of the Hon'ble Supreme Court in ***Rajnesh v. Neha and another (2021) 2 SCC 324***, laid down the criteria for determining quantum of maintenance and issued the following directions:

“VI Final Directions

130. In view of the foregoing discussion as contained in Part B -1 to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India:

(a) Issue of overlapping jurisdiction

131. To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

- (i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding;*
- (ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;*
- (iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.*

(b) Payment of Interim Maintenance

132. The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court /



District Court / Magistrates Court, as the case may be, throughout the country.

(c) Criteria for determining the quantum of maintenance

133. For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B III of the judgment.

134. The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.

(d) Date from which maintenance is to be awarded

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above. (e) Enforcement/Execution of orders of maintenance 136. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28A of the Hindu Marriage Act, 1956; Section 20(6) of the D.V. Act; and Section 128 of Cr.P.C may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC more particularly Sections 51, 55, 58, 60 r.w. Order XXI."

13. A perusal of the impugned order passed by the learned Court makes it evident that the Court duly considered the material placed before it at the time of deciding the application for maintenance, addressing all the pleas raised herein. After observing the factum of marriage between the parties was not disputed, the learned Court noted that the husband had failed to rebut the allegations levelled against him by the wife. Reference was also made to the findings given at the time of dismissal of the divorce petition filed by the husband. The factum of the husband being placed under suspension since 01.08.2017 was also addressed by the learned Court, which recorded in the impugned order that post his suspension, the husband was receiving the salary of Rs.17,857/- per month, as also corroborated by the evidence of PW-2. On the other hand, the claim with respect to income of



the wife remained unsubstantiated. It was under the circumstances that the quantum of maintenance was fixed @ Rs.8,000/- per month, which in the opinion of this Court, is a reasonable sum, given the present circumstances. Accordingly, the present petition stands dismissed.

14. As a corollary and for the reasons discussed hereinabove, the petition filed by the husband (CRR(F)-491- 2024) challenging the impugned order dated 08.02.2021 also stands dismissed.

15. Needless to say that in case of change in circumstances, the parties would be at a liberty to seek appropriate remedies in accordance with law.

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

**(KIRTI SINGH)
JUDGE**

September 24, 2025
Anjal

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