

CRR(F)-481 of 2025 (O&M)

2025.PHHC.045618



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

CRR(F)-481 of 2025 (O&M)

Date of decision: 03.04.2025

Vivek Sharma

.....Petitioner

Versus

Vani Sharma

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Arvind Kashyap, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been preferred by petitioner-husband impugning the order dated 03.02.2025, passed by learned Additional Principal Judge, Family Court, Amritsar, vide which petitioner has been directed to pay interim maintenance of Rs.8,500/- per month to the respondent-wife from the date of filing of the application under Section 125 Cr.P.C.

2. Brief facts of the case are that marriage of petitioner and respondent was solemnised on 02.09.2004 and no child was born from the said wedlock. However, with the passage of time, the relations between the parties turned sour and with the intervention of their respective relatives, both the parties entered into compromise dated 16.06.2015, according to which petitioner-husband had agreed to pay



Rs.10 lakhs as full and final amount towards settlement. However, that settlement could not finalise. Thereafter, petitioner-husband filed divorce petition on 22.12.2015, which was accepted vide order dated 31.01.2024, against which respondent-wife has filed appeal bearing FAO No.3047 of 2024, which is pending adjudication before this Court. During the pendency of divorce petition, respondent-wife also filed an application under Section 125 Cr.P.C. seeking maintenance. The Family Court, Amritsar, vide impugned order dated 03.02.2025 has directed the petitioner to pay Rs.8,500/- per month as interim maintenance to the respondent-wife from the date of filing of the application. Dissatisfied with the impugned order, petitioner has approached this Court.

3. Learned counsel for the petitioner contended that petitioner has wrongly been burdened with interim maintenance to be paid to the respondent-wife as parties to the litigation are fighting since 2015 and she being an educated lady is intentionally not taking up any job for earning. He further contended that the Family Court without any basis has assessed the income of the petitioner at Rs.50,000/- per month. He also contended that maintenance of Rs.8,500/- per month granted to the respondent is on the higher side and the petitioner is not in a position to pay the same and as the respondent herself left the company of the petitioner and living separately without any reason, therefore, she is not entitled to any maintenance from the petitioner.



4. I have heard learned counsel for the petitioner and perused the record.

5. The relationship of husband and wife between the parties is not in dispute in the present case. However, due to differences between them, their relationship has hit the rough weather. As a result of which, respondent filed an application under Section 125 Cr.P.C. seeking maintenance from the petitioner wherein petitioner has been directed to pay Rs.8,500/- per month from the date of filing of the application as interim maintenance to the respondent. Respondent-wife has filed FAO No.3047 of 2024 against the decree of divorce granted by the Family Court vide order dated 31.01.2024, which is pending for 09.07.2025 before a Division Bench of this Court.

6. The object and purpose behind granting maintenance is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other spouse. 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.

7. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375*** opined 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....."

8. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria v. State of Gujarat (1996) 4 SCC 479*** 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..."

9. Another objective the legislature has sought to achieve by this provision is to provide maintenance *pendente lite* to the applicant



spouse during proceedings emerging out of matrimonial disputes so that she/he can maintain herself/himself, have sufficient funds to pursue the litigation, and not suffer at the instance of the affluent spouse.

10. There is a general tendency on the part of the wife to amplify her needs and the husband to conceal his actual income, making it difficult to determine the earning capacity of the rival claimants with exactitude. 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 being able to lead a life of reasonable comfort.

11. Moreover, this Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

12. A perusal of the impugned order passed by the learned Family Court makes it evident that the Court below has duly considered the material placed before it for determining the quantum of



interim maintenance. A careful and just balance has been drawn, keeping in view the spiralling inflation rates and high cost of living corresponding to the reasonable needs of the respondents. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order, which warrants interference by this Court. Accordingly, the present petition is dismissed being bereft of any merit.

13. Pending application(s), if any, also stand(s) disposed of.

03.04.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No