

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

**CRR(F)-645-2024 (O&M)
Date of Decision:09.07.2025**

Manish Kumar

.....Petitioner

versus

Rajni and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Manu Loona, Advocate for the petitioner.

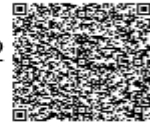
Mr. Anmol Puri, Advocate for the respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present revision petition has been filed assailing the order dated 08.01.2024 passed by learned Principal Judge, Family Court, Sri Muktsar Sahib, whereby an interim maintenance of Rs.10,000/- per month has been granted to respondent No.1-wife and Rs.5,000/- per month has been granted to respondent No.2-minor daughter of the age of 8 years.

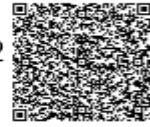
2. At the time of issuance of notice of motion, learned counsel for the petitioner had restricted his claim only to the extent of interim maintenance as directed to be paid to respondent No.1-wife and not to respondent No.2. In other words, learned counsel for the petitioner has withdrawn his claim regarding respondent No.2-minor daughter in the present petition and has pressed only regarding respondent No.1-wife.

3. Learned counsel appearing on behalf of the petitioner argued that challenge in the present revision petition is to the impugned order whereby interim



maintenance of Rs. 15,000/- per month has been granted to respondent No.1-wife and respondent No.2-minor daughter of the age of 8 years i.e. Rs.10,000/- per month for respondent No.1 and Rs.5,000/- per month for respondent No.2. He submitted that respondent No.1-wife was working as a school teacher in a private school and her salary was about Rs.11,000/- per month. However, before filing the petition under Section 125 of Cr.P.C., she left the job, and therefore, she is not entitled to the grant of interim maintenance. He further submitted that insofar as the relationship between the petitioner and respondent No. 1-wife is concerned, the same is not in dispute because respondent No. 1 is the legally wedded wife of the petitioner, and respondent No. 2 was born out of wedlock. Therefore, there is no dispute with regard to the aforesaid factual aspects. He also submitted that it is not in dispute that the petitioner and the respondents are living separately, and that the marriage between the petitioner and respondent No.1 was solemnized on 18.11.2013. He also asserted that it is also not in dispute that respondent No.2-minor daughter of the age of 8 years is in the care and custody of respondent No.1-wife. He, however, submitted that insofar as respondent No.2-minor daughter is concerned, he is liable to maintain her, but insofar as respondent No. 1-wife is concerned, because of the aforesaid reason that prior to filing the petition under Section 125 of Cr.P.C., she was working as a school teacher and earning about Rs.11,000/- per month, she is not entitled to the grant of interim maintenance. Therefore, the impugned order qua respondent No. 1-wife, may be set aside.

4. On the other hand, learned counsel appearing on behalf of the respondents submitted that as far as the argument raised by learned counsel for the petitioner that the respondent-wife was working as a school teacher prior to filing of the petition under Section 125 of Cr.P.C. is concerned, the same is being projected

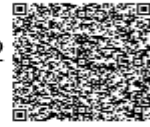


as if respondent No. 1 (wife) of her own volition has relinquished the job, whereas in fact the factual position was that she was turned out of the house. She had to look after her 8 years old minor daughter and it was because of the conduct of the petitioner that she had to leave her job, apart from the fact that she was suffering from physical disability regarding climbing of stairs and the school management, which is a private school, did not permit her to continue with the job. He also submitted that all the aforesaid aspects can only be determined at the time of final adjudication of the petition filed under Section 125 of Cr.P.C. after adducing evidence but in the present petition, the petitioner has only assailed the order vide which interim maintenance has been granted and that too only to the tune of Rs.10,000/- per month. He also submitted that considering the cost of living and the expenses which have to be incurred by respondent No. 1-wife, especially when she is also having care and custody of the minor child, the argument raised by learned counsel for the petitioner is not sustainable.

5. Learned counsel for the respondents also submitted that even otherwise, the total maintenance for the mother and daughter comes out to be Rs.15,000/- only, and for the minor daughter, who is 8 years old and a school-going child, the aforesaid amount of Rs.5,000/- is very less. Therefore, even considering the total maintenance granted, the same is on the lower side, keeping in view the inflationary tendencies and the cost of living. He, therefore, prayed for dismissal of the present petition .

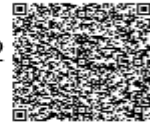
6. I have heard the learned counsels for the parties.

7. The petitioner, who is the husband, has filed the present revision petition assailing the order passed by the learned Principal Judge, Family Court, Sri Muktsar Sahib, whereby only interim maintenance has been granted. The



interim maintenance awarded is Rs.10,000/- per month to respondent No.1-wife and Rs.5,000/- per month to respondent No.2-minor daughter, totaling Rs.15,000/- per month. The ground taken by learned counsel for the petitioner is that respondent No. 1-wife was earlier working as a teacher in a private school and was drawing a salary of Rs.11,000/- per month but thereafter she stopped working and when the petition under Section 125 of Cr.P.C. was filed, at that point of time she was not having any source of income and therefore she is not entitled to the grant of any interim maintenance.

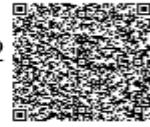
8. This Court is of the considered view that, firstly, the scope of the revision petition is very limited. Secondly, the petitioner has approached this Court only against an interim order for which the scope of intervention is very less because the arguments raised by learned counsels for the parties are to be seen by way of adducing evidence at the time of trial because the main petition under Section 125 of Cr.P.C. is still pending. Thirdly, the right to claim maintenance including interim maintenance by a wife against the husband is a statutory right conferred by virtue of Section 125 of Cr.P.C., and it is not only a statutory right but also a moral, economic and social obligation upon the husband to maintain the wife. Whatever may be the reason for leaving the job by the respondent No.1-wife, the fact remains that she is living separately from the husband and has care and custody of a minor daughter of the age of 8 years who according to learned counsel for the respondents, is a school-going child and there could be a number of reasons for leaving the job, if any. Therefore, the aforesaid argument raised by learned counsel for the petitioner that the respondent-wife left the job is insignificant and is irrelevant for the purpose of considering whether she should be granted interim maintenance or not. At the time of grant of interim maintenance on the basis of the



affidavits filed by the parties, the learned Family Court, Sri Muktsar Sahib, had granted the interim maintenance and as per the affidavits, the petitioner is admittedly earning an amount of Rs.60,000/- per month from a Government job as a teacher. Although in the impugned order it has been so reflected to be Rs.45,000/- per month but as per the affidavit of the petitioner vide Annexure P-5, it is very clear that the petitioner has himself filed an affidavit declaring his assets and liabilities and in column No. 10 he has stated his monthly income to be Rs.60,000/- per month whereas expenditure has been shown to be Rs.45,000/- per month. So far as the respondent-wife is concerned, she had no source of income at the time of consideration of the application for grant of interim maintenance.

9. Out of the total income of Rs.60,000/- per month of the petitioner-husband, he has been directed to pay an amount of Rs.10,000/- per month for respondent No. 1-wife and Rs.5,000/- per month to minor daughter. By no stretch of imagination can it be said that the aforesaid amount is on the higher side.

10. Apart from the above, the argument raised by learned counsel for the petitioner can be tested from a different aspect as well. Even if, assumingly for the sake of argument, the wife has deliberately left the job for whatever reason before filing the petition under Section 125 of Cr.P.C., and her income was only Rs.11,000/- per month, the said income, which according to learned counsel for the petitioner was Rs.11,000/- per month, would itself not be sufficient for her to maintain herself. Therefore, once the aforesaid income of Rs.11,000/-, if any, was there the same also could not have become a ground for non-suiting the wife for grant of interim maintenance because in today's time an amount of Rs.11,000/- per month for a married lady who is separated from her husband is not sufficient to

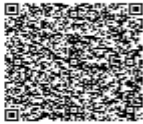


make both ends meet for the purpose of her livelihood, coupled with the fact that she is also having care and custody of a minor daughter of the age of 8 years who is a school-going child and she has been granted only a meagre compensation of an amount of Rs.5,000/- per month.

11. This Court is of the considered view that not only is there no illegality or perversity or any legal infirmity in the order passed by the learned Principal Judge, Family Court, Sri Muktsar Sahib, but is also of the considered view that the present petition is a vexatious petition filed by the petitioner-husband against his own wife and daughter and it amounts to perpetuating the litigation when he has impugned an order by which interim maintenance has been granted.

12. In view of the aforesaid facts and circumstances, the present revision petition is dismissed with Rs. 10,000/- as costs. The petitioner is hereby directed to deposit the aforesaid costs before the Court of learned Principal Judge, Family Court, Sri Muktsar Sahib, within a period of three months from today. On his depositing the aforesaid costs, the learned Principal Judge, Family Court, Sri Muktsar Sahib, shall give the aforesaid amount to the minor child by way of any suitable fixed deposit through her mother or by depositing the amount in the name of girl child in any suitable Government Scheme such like Sukanya Samridhi Yojna etc. or whichever method is most beneficial and suitable for a girl child as per wisdom of the learned Principal Judge, Family Court, Sri Muktsar Sahib.

13. The learned Principal Judge, Family Court, Sri Muktsar Sahib shall also ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in case the same is not done, then the learned learned Principal Judge, Family Court, Sri Muktsar Sahib shall recover the same 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, Sri Muktsar Sahib 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.

14. A copy of this order be sent to the learned Principal Judge, Family Court, Sri Muktsar Sahib.

(JASGURPREET SINGH PURI)
JUDGE

09.07.2025

shweta

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