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

**CRR(F)-607-2025
Date of Decision: 28.04.2025**

Jasveer Singh

..... Petitioner

Versus

Manjinder Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Thind, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed for challenging the order dated 04.02.2025 passed by learned Principal Judge, Family Court Camp Court, Khamanon vide which application filed by the respondent/wife for grant of interim maintenance has been decided and an amount of ₹12,000/- per month (₹8,000/- per month to respondent No.1/wife and ₹4,000/- per month to the minor child, who is of the age of 3 years) as interim maintenance has been fixed.

2. Learned counsel for the petitioner submitted that the marriage between the parties had taken place on 10.05.2020 and thereafter, the son was born out of the wedlock, who is now of the age of 3 years and is in the care and custody of respondent No.1/wife. He further submitted that as per the affidavits which were filed by the petitioner and respondent No.1 declaring their assets, liabilities and although the income that has been so stated by the petitioner/husband shows that he is earning an amount of

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₹64,705/- per month, out of a private job, but he has other expenses also to make his both ends meet and learned Family Court had fixed an interim maintenance for respondent No.1/wife to the tune of ₹8,000/- per month and for the minor child i.e. respondent No.2 to the tune of ₹4,000/- per month which is on the higher side. He also submitted that so far as the interim maintenance which is to be paid to respondent No.2, who is a minor child of the age of 3 years is concerned, he has no objection with regard to the same but he has an objection to the interim maintenance granted to respondent No.1/wife to the tune of ₹8,000/- per month which may be set aside. He further submitted that out of the aforesaid income of ₹64,705/- per month, the petitioner also has to maintain his family i.e. his old age mother, who is a person with disability and is also blind, his father, who is a diabetic patient having gangrene and also his sister, who is studying.

3. I have heard the learned counsel for the petitioner and also perused the order passed by learned Additional Principal Judge, Family Court, Camp Court, Khamanon.

4. A perusal of the aforesaid impugned order would show that it has come on record even as per the affidavit filed by the petitioner/husband that his income is ₹64,705/- per month although the respondent No.1/wife has so alleged that the petitioner is earning an amount of ₹80,000/- per month. On the other hand, respondent No.1/wife is having no source of income and the same has also come up in the impugned order. There is neither anything placed on record by the petitioner before learned Family Court with regard to the fact that respondent No.1/wife is earning nor it has been proved on record. The marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that one child was born out

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of the wedlock, who is of the age of 3 years and is in the care and custody of respondent No.1/wife.

5. By way of the impugned order, only interim maintenance has been granted to the tune of ₹8,000/- per month to respondent No.1/wife and ₹4,000/- per month to the child i.e. respondent No.2. The arguments which have been raised by learned counsel for the petitioner that so far as respondent No.1/wife is concerned, she is not entitled for interim maintenance because the petitioner is already paying the aforesaid amount as an interim maintenance to the son i.e. respondent No.2 and she is an able bodied woman and well qualified and she can earn money and deliberately she is not earning and therefore, she is not entitled for grant of interim maintenance. The argument raised by learned counsel for the petitioner deserves to be rejected since wife is stated to be not working and mere fact that she is an able-bodied woman and well qualified would not mean that she cannot claim interim maintenance.

6. After hearing the learned counsel for the petitioner, this Court is of the considered view that once it has come on record for the purpose of deciding and considering the grant of interim maintenance in the proceeding under Section 125 Cr.P.C. that the petitioner even as per his own affidavit is earning an amount of ₹64,705/- per month and on the other hand, respondent No.1/wife is neither having any source of income nor anything has been placed on record to show that she is earning and at the same time, the minor child of the age of 3 years is in the care and custody of respondent No.1/wife by no stretch of imagination it can be said that respondent No.1/wife is not entitled for any interim maintenance or it is fixed on the higher side. It is not a case that it has been shown on record that respondent No.1/wife is also

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having any source of income so that some amount can be proportionately distributed but it is a case where as per the impugned order and respective affidavits filed, respondent No.1/wife is not earning anything whereas the petitioner/husband is earning a large amount of ₹64,705/- per month. The mere fact that the family members of the petitioner are also dependent upon him and he is already paying some money out of his salary to his parents does not mean that he can escape from his liability from maintaining his wife, regarding which, there is no dispute that she is a legally wedded wife and she is also having care and custody of the minor child of the age of 3 years. Therefore, this Court is of the considered view that the aforesaid amount of ₹12,000/- per month to the respondents is neither excessive nor it is erroneous. Even otherwise also, the present revision petition has been filed challenging the impugned order whereby only interim maintenance has been fixed and the scope of a Revision petition is very limited. There is no illegality or perversity found in the impugned order passed by learned Family Court.

7. Consequently, finding no merit in the present revision petition, the same is hereby dismissed.

28.04.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No