



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

**CRR(F)-593-2025 (O&M)
Date of Decision:-23.05.2025**

Ajay Yadav @ Arjun Rao

.....Petitioner

Versus

Sakshi and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Meenakshi Sharma, Advocate for the petitioner..

JASGURPREET SINGH PURI J.(Oral)

CRM-21836-2025

Present application has been filed for placing on record affidavits of petitioner and respondent No.1 dated 20.03.2025.

Application is allowed as prayed for subject to all just exceptions.

The accompanying affidavits of petitioner and respondent No.1 are taken on record as Annexures P-1 and P-2.

Main case

1. The present revision petition has been filed impugning the order dated 19.03.2025 passed by learned Additional Principal Judge, Family Court, Gurugram whereby provisional maintenance in respect of minor child—respondent No. 2 has been awarded to the tune of Rs.12,000/- per month.

2. Learned counsel appearing on behalf of the petitioner submitted that this is a case where the respondent-wife filed a petition before the learned Additional Principal Judge, Family Court, Gurugram, seeking maintenance



under Section 125 of the Cr.P.C., in which an application for interim maintenance was also considered. However, before deciding the application for grant of interim maintenance, provisional maintenance to the tune of Rs.12,000/- per month was granted for respondent No. 2 (the minor child). She submitted that the aforesaid amount is excessive because the income of the petitioner is only about Rs.6,000/- per month and he also has to take care of his own expenses and other liabilities. She also submitted that as per the affidavit filed by the respondent-wife, she has stated that she is working as a Staff Nurse and earning about Rs.12,500/- per month. Since the respondent-wife is working and earning the aforesaid amount, while the petitioner is earning only Rs.6,000/- per month, the amount of Rs.12,000/- per month for respondent No.2-minor child is excessive. As such, the impugned order may be set aside.

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

4. The respondent No.2-minor child is of the age of about 4 years. The minor child is in the care and custody of respondent No.1-wife. Alongwith the petition filed under Section 125 Cr.P.C. filed by the respondents against the petitioner, an application for interim maintenance was also filed. A perusal of the impugned order would show that only a provisional maintenance of Rs.12,000/- has been granted and it would further show that when the case was fixed for consideration for grant or non-grant of interim maintenance, counsel for the petitioner-husband did not advance arguments and the matter was adjourned for 14.07.2025 on the request of proxy counsel for petitioner-husband on the application for considering the grant of interim maintenance. However at the time of passing the impugned



order it was submitted by the learned counsel for the wife and minor child that the child is more than 2 years of age and needs to go to playschool and the wife also has to pay for the expenses of the child's regular school. As for the petitioner-husband, he admitted that he is working in the film industry in Mumbai and residing there with an income of only Rs. 6,000/-. The learned Additional Principal Judge, Family Court, Gurugram was of the view that it is not possible for the petitioner to be working in the film industry and earning only Rs. 6,000/-. The matter was adjourned at the request of the proxy counsel for the husband but at the same time, the small child was in need of provisional maintenance. In light of this, till the application for the grant of interim maintenance is decided, the learned Family Judge deemed it fit and proper to grant provisional maintenance only for the small child, who is stated to be about 4 years old.

5. The argument raised by learned counsel for the petitioner that the income of the petitioner is only Rs. 6,000/- and as such he is unable to pay Rs. 12,000/- per month and that the wife is earning Rs. 12,500/- per month even as per her affidavit, is not sustainable. This is in view of the fact that provisional maintenance has been granted solely for the child and not for the wife. The child is under the care and custody of the respondent-wife and therefore, the mere fact that the respondent-wife has stated that she is earning Rs.12,500/- cannot be a reason for denying provisional maintenance to the child. If the respondent-wife is earning the aforementioned amount, she has to look after herself and this income may or may not be sufficient, the same can be considered at the time of the final decision on the application for grant of interim maintenance. However, since the impugned order is only pertaining to



the grant of provisional maintenance and considering that the matter was adjourned at the request of learned counsel for the petitioner-husband, even in the context of considering interim maintenance, this Court is of the considered view that no illegality or perversity can be found in the impugned order passed by the learned Additional Principal Judge, Family Court, Gurugram.

6. Consequently, finding no merit in the present petition and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

23.05.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No