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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-616-2025 (O&M)
Date of decision: 29.04.2025

PARMASHER SINGH

...Petitioner(s)

VERSUS

GURPREET KAUR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Krishan Kanha, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

CRM-16812-2025

Prayer in this application is for condonation of delay of 64 days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 64 days in filing the present revision petition, is hereby condoned.

CRR(F)-616-2025

1. The present revision petition has been filed for setting aside the order dated 19.11.2024 passed by the learned Principal Judge, Family Court, Mansa, vide which interim maintenance has been granted to the respondent-wife to the tune of Rs.15,000/- per month.

2. Learned counsel for the petitioner submitted that it is a case where the respondent-wife filed a petition before the learned Principal Judge, Family



Court, Mansa under Section 125 Cr.P.C. for grant of maintenance and on an application filed for grant of interim maintenance, the aforesaid interim maintenance of Rs.15,000/- per month has been granted to the respondent-wife. He further submitted that the petitioner-husband has a monthly income of only Rs.8,000/- and the aforesaid interim maintenance which has been fixed is on the higher side and since the petitioner is doing labour work, he is not able to pay the aforesaid amount of maintenance. He further submitted that the learned Principal Judge, Family Court, Mansa while arriving at the aforesaid amount of fixation of interim maintenance has relied upon the income tax return of the petitioner-husband for the assessment year 2022-2023, in which his annual income has been shown to be Rs.4,61,977/-. He further submitted that the aforesaid income tax return filed by the petitioner-husband was not correct because he had filed the same only for the purpose of going abroad. He further submitted that be that as it may, even if the aforesaid annual income of the petitioner-husband is considered to be correct, then too the monthly income of the petitioner comes out to be approximately Rs.38,500/- and the aforesaid amount of interim maintenance of Rs.15,000/- per month is more than 1/3rd of his monthly income and therefore, the aforesaid impugned order passed by the learned Principal Judge, Family Court, Mansa may be set aside or in the alternative, the interim maintenance granted to the respondent-wife may be reduced. He also submitted that so far as respondent-wife is concerned, as per the aforesaid impugned order as well as the affidavit filed by her before the learned Family Court, she has no source of income.

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



4. It is a case where the petitioner-husband has filed the present revision petition challenging the order dated 19.11.2024 passed by the learned Principal Judge, Family Court, Mansa, whereby interim maintenance has been granted to the respondent-wife as aforesaid. A perusal of the aforesaid impugned order would show that as per the respective affidavits filed by both the parties pertaining to declaration of their assets and liabilities in terms of the judgment passed by Hon'ble Supreme Court in **Rajnish versus Neha and another, (2021) 2 SCC 324**, the petitioner-husband is doing labour work and is earning only Rs.8,000/- per month and so far as respondent-wife is concerned, she has got no source of income but at the same time, she has shown her expenditure to be Rs.25,000/- per month. The learned Principal Judge, Family Court, Mansa considered the affidavits filed by both the parties and also the income tax return of the petitioner-husband for the assessment year 2022-2023, wherein his annual income has been shown to be Rs.4,61,977/- and therefore, it was so observed that for a limited purpose of deciding the application for grant of interim maintenance, the monthly income of the petitioner-husband is assessed as Rs.40,000/- and because of this reason, interim maintenance to the tune of Rs.15,000/- per month was fixed for the respondent-wife.

5. It was the argument of the learned counsel for the petitioner that the aforesaid amount of interim maintenance is on the excessive side because the same is more than 1/3rd of the total income of the petitioner-husband. This Court is of the considered view that once it has been proved on record for the purpose of considering the grant of interim maintenance that the respondent-wife is having no source of income and the petitioner-husband has got an



income, which is assessed as Rs.40,000/- per month, then no straightjacket formula pertaining to 1/3rd income for fixation of interim maintenance can be applied, although as a standard, the ratio of 1/3rd could be permissible but the question here would be as to whether this Court in the exercise of revisional jurisdiction should consider the aforesaid aspect pertaining to a difference of merely a small amount or not. Not only this, the present revision petition has been filed by the petitioner-husband challenging the interim order of maintenance and the scope of revision petition is very limited. Therefore, no illegality or perversity can be found in the aforesaid impugned order dated 19.11.2024 passed by the learned Principal Judge, Family Court, Mansa.

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

29.04.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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