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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-718-2025
Date of decision: 15.05.2025

SURINDER SINGH

...Petitioner(s)

VERSUS

HARJIT KAUR & OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Gaurav Kalsi, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the order dated 25.02.2025 passed by the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, vide which interim maintenance has been granted to respondent No.1-wife to the tune of Rs.3,000/- per month, respondent No.2-minor daughter, who is of the age of 10 years to the tune of Rs.2,000/- per month and respondent No.3-minor son, who is of the age of 8 years to the tune of Rs.2,000/- per month, totalling Rs.7,000/- per month.

2. Learned counsel for the petitioner submitted that as per the respective affidavits filed by the petitioner and respondent No.1 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 income of the petitioner-husband is shown to be Rs.12,000/- per



month, regarding which there is no dispute and so far as respondent No.1-wife is concerned, she has got no source of income and the same is stated to be Nil. He further submitted that the marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that two minor children i.e. respondents No.2 and 3 were born out of the said wedlock and are under the care and custody of respondent No.1-wife. He also submitted that considering the income of the petitioner-husband, he is not able to pay the aforesaid amount of interim maintenance to the respondents and therefore, the aforesaid impugned order may be set aside.

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 25.02.2025 passed by the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, whereby interim maintenance has been granted to the respondents as aforesaid. The marriage between the petitioner and respondent No.1 took place on 20.11.2011 and thereafter, two children were born out of the said wedlock i.e. respondent No.2-minor daughter and respondent No.3-minor son, who are of the age of 10 years and 8 years, respectively, and are under the care and custody of respondent No.1-wife. As per the affidavit filed by respondent No.1-wife before the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, she has got no source of income at all and at the same time, the income of the petitioner-husband is shown to be Rs.12,000/- per month as per his affidavit. The argument raised by the learned counsel for the petitioner that the petitioner-husband is earning only an amount of Rs.12,000/- per month and therefore, he



is not able to pay the aforesaid amount of interim maintenance to his wife and minor children is liable to be rejected on the face of it considering the aforesaid facts and circumstances. Even if the aforesaid total amount of interim maintenance of Rs.7,000/- per month is slightly more than half of the total income of the petitioner-husband, still the petitioner being a husband cannot abdicate his responsibilities and absolve himself from the liability which is not only a statutory and legal but also social, economic and moral liability of the petitioner to maintain his wife and minor children. In this regard, reference can be made to the judgment passed by Hon'ble Supreme Court in **Anju Garg versus Deepak Kumar Garg, (2022) SCC Online SC 1314**, wherein it was held that in case the husband is an able-bodied man and is not earning or is earning very less, then he should earn more even by doing labour work etc. to discharge his legal obligations.

5. The relevant portion of the aforesaid judgment of Hon'ble Supreme Court in **Anju Garg's case (Supra)** is reproduced as under:-

“10. This Court had made the above observations as the Court felt that the Family Court in the said case had conducted the proceedings without being alive to the objects and reasons, and the spirit of the provisions under Section 125 of the Code. Such an impression has also been gathered by this Court in the case on hand. The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute. In Chaturbhuj



vs. Sita Bai (2008) 2 SCC 316, it has been held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy. As settled by this Court, Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. It also falls within the Constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution of India.”

6. Considering the aforesaid facts and circumstances, this Court would therefore consider the present case in two different aspects. Firstly, as to whether the aforesaid impugned order passed by the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, vide which interim maintenance has been granted to the respondents is erroneous or not. Secondly, as to whether filing of the present revision petition and that too against an interim order is vexatious with a motive to perpetuate litigation by the husband against his wife and two minor children or not and consequence thereof.

7. So far as the first aspect is concerned, the relationship between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that two minor children i.e. respondents No.2 and 3 were born out of the said wedlock and are under the care and custody of respondent No.1-wife. It is also not in dispute that at least, at this stage, as per the respective affidavits filed by both the parties for the purpose of considering the grant of interim maintenance, respondent No.1-wife is having no source of income at all and at the same time, she is having the care and custody of two minor children and the petitioner-husband is earning Rs.12,000/- per month. Even if out of the aforesaid amount



of Rs.12,000/-, the petitioner-husband is not able to pay the aforesaid amount of interim maintenance as per the learned counsel for the petitioner then that would not mean that the amount to which the respondent No.1-wife and minor children are entitled under the law should be denied to them. In case the income of the petitioner-husband is less, then it is not only his statutory but also legal, social, economic and moral duty to earn more and maintain his family. Given the facts and circumstances of the present case, by no stretch of imagination it can be said that the aforesaid impugned order passed by the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar is erroneous or perverse.

8. So far as the second aspect is concerned, the facts and circumstances of the present case *ex facie* suggest that the petitioner-husband has filed a revision petition of which the scope is very limited and that too against his wife and two minor children challenging the order vide which interim maintenance has been granted to them and therefore, given the aforesaid facts and circumstances, this Court is of the considered view that the petitioner-husband in order to perpetuate litigation against his wife and minor children has filed the present revision petition, which is purely a vexatious petition.

9. In view of the aforesaid facts and circumstances, the present revision petition is dismissed with Rs.10,000/- (Rupees Ten Thousand) as costs. The petitioner is hereby directed to deposit the aforesaid costs before the Court of learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, within a period of three months from today. On his depositing the aforesaid costs, the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar shall transmit the aforesaid amount in the names of two minor children in equal



proportion i.e. Rs.5,000/- + Rs.5,000/- by way of either fixed deposit through their mother, or by depositing the amount in the names of two minor children proportionately in any suitable Government Scheme or whichever method is most beneficial and suitable for the two minor children as per wisdom of the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar.

10. The learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar 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 Principal Judge, Family Court, Shaheed Bhagat Singh Nagar shall recover the same from the petitioner in accordance with law.

11. A copy of this order be sent to the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar.

15.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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