



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

**CRR(F)-733-2025 (O&M)
Date of Decision:16.05.2025**

Manpreet Singh

.....Petitioner

Versus

Sharanpreet Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Navdeep Singh, Advocate for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

1. The present revision petition has been filed challenging the impugned order dated 07.04.2025 passed by the learned Principal Judge, Family Court, Fatehgarh Sahib whereby interim maintenance has been granted to the tune of Rs.7000/- per month to respondent No.1-wife and Rs.2000/- each per month to respondents No.2 and 3-minor children, totalling Rs.11,000/- per month.

2. Learned counsel appearing on behalf of the petitioner submitted that the marriage between the petitioner and respondent No.1-wife was solemnized on 14.02.2021 and thereafter respondents No.2 and 3 were born out of the wedlock. At the time of filing of the petition under Section 144 of BNSS in the year 2024, respondent No.2-minor son was of the age of 2 years and respondent No.3-minor son was of the age of 9 months and now they are about 3 years and 1½ years of age respectively. He submitted that both the minor children are in the care and custody of respondent No.1-wife. The interim maintenance which has been fixed for the aforesaid



respondents was total of Rs. 11,000/- per month i.e. Rs.7,000/- per month for respondent No.1-wife and Rs. 2,000/- each per month for respondents No.2 and 3-minor children which the petitioner is not able to pay and is on the higher side because of the fact that he is employed in Agriculture Department, Block Kharar as Assistant Technology Manager and his salary is only Rs.32,000/- per month and he has his other liabilities as well including some repayment of loan etc. and therefore, the impugned order may be set aside.

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

4. The marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that respondents No.2 and 3-minor children are in the care and custody of respondent No.1-wife. The learned Judge, Family Court while considering the application for grant of interim maintenance has considered the income of the parties. It was so observed by the learned Judge, Family Court that the petitioner-husband has himself stated in his affidavit of assets and liabilities that he is employed in Agriculture Department at Block Kharar as Assistant Technology Manager and he is receiving salary of Rs.32,000/-per month and the relationship between the parties is not in dispute. So far as the income of respondent No.1-wife is concerned, she has no source of income as per the orders passed by the learned Judge, Family Court, although it was so alleged by the petitioner-husband that she is doing some tailoring business and earning an amount of Rs.25,000/- per month but nothing was placed on record to substantiate his claim for the purpose of considering the prayer for grant of interim maintenance. In this way, respondent No.1-wife was not having any source of income at all and rather it was so alleged by respondent



No.1-wife that the petitioner is actually earning an amount of Rs.1,00,000/- per month because besides his salary from the agriculture department as aforesaid he also has a DJ business and he is earning a lot of money from the same, although nothing was proved on record that he was earning any income from DJ business but so far as the salary of the petitioner is concerned, it is an admitted case of the petitioner-husband that he is receiving salary of Rs.32,000/- per month.

5. By way of impugned order, an interim maintenance of Rs.7,000/- per month for respondent No.1-wife and Rs.2,000/-each per month for respondents No.2 and 3-minor children has been fixed. This Court would therefore consider the present case from two aspects. Firstly, as to whether the impugned order by which the interim maintenance was granted to the respondents was erroneous and perverse or not and secondly as to whether the very filing of the present revision petition tantamounts to perpetuating the litigation by the petitioner against his wife and two small children at nascent age and consequently as to whether the present petition is a vexatious petition and if yes, then consequences thereof.

6. So far as the first aspect is concerned, it is clear from the facts of the case and a perusal of the impugned order that admittedly the petitioner is receiving a salary of Rs. 32,000/- per month and the relationship between the parties is not in dispute. The fact that the minor children were born out of wedlock is also not in dispute and they are in the care and custody of respondent No.1-wife. Respondent No.1-wife is having no source of income. The learned Judge, Family Court has only granted interim maintenance since the main petition under Section 144 of BNSS is still pending where the evidence can be led by the parties. Still the petitioner



has filed the present revision petition challenging the aforesaid order on the basis of the aforesaid facts.

7. This Court in the case of ***Sikander Singh Vs. Surjit Kaur, CRR(F)-284-2024, decided on 06.02.2025*** had an occasion to deal with such kind of instances which have actually become an example of Kalyug. In the aforesaid judgment, a son had filed a petition before this Court challenging the order of maintenance of Rs.5,000/- per month to his widow mother, after usurping the agricultural land which belonged to his father by transferring the same to his own name and still he filed a petition to state that he cannot pay an amount of Rs.5,000/- per month to his widow mother who was living with her married daughter. Unfortunately, the present petition is also an example of ***Kalyug*** where the aforesaid facts and circumstances clearly suggest that the litigation has come up at the instance of a wife who is having no source of income and is having the care and custody of two minor children and only an amount of Rs.11,000/- per month i.e. Rs.7,000/- per month to respondent No.1-wife and Rs.2,000/- each per month to respondent No.2 and 3-minor children has been awarded as a measure of interim maintenance but the petitioner-husband has filed the present petition against the interim order only. Had it been a case that the petitioner-husband has come against any final order then it would have been a different situation but he has preferred the present revision petition against an interim order.

8. The cost price structure, inflationary tendencies, and cost of living in today's time is very high. Even on the quantum so fixed as interim maintenance by no stretch of imagination it can be said that the quantum is on the higher side. The argument which was raised by learned counsel



for the petitioner that he has to pay other loans, etc., is absolutely unsustainable and liable to be rejected at the threshold. Such kind of argument cannot be accepted where the husband is not only statutorily and legally liable to maintain his wife and minor children but is also morally, socially and economically liable to do so especially when wife has no source of income. Therefore, no illegality or perversity can be found in the impugned order passed by the learned Judge, Family Court.

9. So far as the second aspect is concerned, from the aforesaid facts and circumstances, it is *ex-facie* clear that the present revision petition filed by the petitioner tantamounts to perpetuating litigation and the present petition is, therefore, purely a vexatious petition which has been filed by the petitioner against his wife and two minor children.

10. In view of the aforesaid facts and circumstances, the present petition is hereby dismissed with costs of Rs.50,000/- (Rupees Fifty Thousand). The petitioner is directed to deposit the aforesaid costs before the Court of learned Principal Judge, Family Court, Fatehagarh Sahib within a period of four months from today. On his depositing the aforesaid costs, the learned Principal Judge, Family Court, Fatehagarh Sahib shall transmit the aforesaid amount of Rs. 50,000/- in equal shares of Rs.25,000/- each for respondents No. 2 and 3-minor children, either in the nature of separate FDs or a Government Scheme or any other method that the learned learned Principal Judge, Family Court, Fatehagarh Sahib may think it fit according to his wisdom, which would be beneficial for the minor children.

11. The learned Principal Judge, Family Court, Fatehagarh Sahib shall 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, Fatehagarh Sahib shall recover the same from the petitioner in accordance with law including recovery as arrears of land revenue or from his salary.

12. A copy of this order be sent to the learned Principal Judge, Family Court, Fatehagarh Sahib.

(JASGURPREET SINGH PURI)
JUDGE

16.05.2025

rakesh

Whether speaking: Yes/No
Whether Reportable: Yes/No