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

**CRR(F)-744-2025
Date of decision: 19.05.2025**

SURENDER SINGH

...Petitioner(s)

VERSUS

GEETA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. P. S. Khaira, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the impugned judgment dated 04.03.2025 passed by the learned Principal Judge, Family Court, Palwal, Camp Court, Hodal, vide which the petition filed by the respondent-wife for enhancement of maintenance was allowed and the maintenance which was granted to the respondent-wife by the learned Sub-Divisional Judicial Magistrate, Hodal vide judgment dated 09.11.2015 was enhanced from Rs.2,000/- per month to Rs.5,000/- per month.

2. Learned counsel for the petitioner submitted that the petitioner is the husband and respondent is the wife, who had filed a petition under Section 125 Cr.P.C. for grant of maintenance and vide order dated 17.03.2011 passed by the learned Judicial Magistrate 1st Class, Hodal, maintenance was granted to the respondent-wife to the tune of Rs.1,500/- per month. He further submitted that thereafter, the respondent-wife filed a petition under Section 127 Cr.P.C. for



enhancement of aforesaid amount of maintenance of Rs.1,500/- per month and vide judgment dated 09.11.2015 passed by the learned Sub-Divisional Judicial Magistrate, Hodal, the aforesaid amount of maintenance was enhanced from Rs.1,500 per month to Rs.2,000 per month.

3. Learned counsel for the petitioner further submitted that thereafter, the respondent-wife again filed a petition under Section 127 Cr.P.C. for enhancement of the aforesaid amount of maintenance of Rs.2,000/- per month and by way of the aforesaid impugned judgment dated 04.03.2025 passed by the learned Principal Judge, Family Court, Palwal, Camp Court, Hodal, the aforesaid amount of maintenance has been enhanced from Rs.2,000/- per month to Rs.5,000/- per month, which the petitioner-husband is not able to pay because he is not working as of now and therefore, the aforesaid impugned judgment dated 04.03.2025 is liable to be set aside.

4. Learned counsel for the petitioner also submitted that the aforesaid impugned judgment has been passed on 04.03.2025 and on the very next day, i.e. 05.03.2025, a divorce petition filed by the petitioner-husband against the respondent-wife under Section 13 of the Hindu Marriage Act, 1955 was allowed and a decree of divorce has been granted and therefore, on the aforesaid ground also the impugned judgment is liable to be set aside.

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

6. It is a case where the petitioner-husband has filed the present revision petition challenging the judgment dated 04.03.2025 passed by the learned Principal Judge, Family Court, Palwal, Camp Court, Hodal, vide which maintenance granted to the respondent-wife has been enhanced from Rs.2,000/-



per month to Rs.5,000/- per month. A perusal of the aforesaid impugned judgment vide which the petition filed by the respondent-wife under Section 127 Cr.P.C. has been allowed and maintenance has been enhanced would show that the respondent-wife had earlier filed a petition under Section 125 Cr.P.C. against the petitioner-husband and vide order dated 17.03.2011 passed by the learned Judicial Magistrate 1st Class, Hodal, maintenance was granted to the respondent-wife to the tune of Rs.1,500/- per month on the basis of income of the petitioner-husband at that point of time, which was about Rs.6,000/- per month and he being an able-bodied man. The aforesaid order granting maintenance to the tune of Rs.1,500/- per month to respondent-wife was thereafter enhanced to Rs.2,000/- per month vide judgment dated 09.11.2015 passed by the learned Sub-Divisional Judicial Magistrate, Hodal on a petition filed by the respondent-wife for enhancement. Thereafter, the respondent-wife filed another petition under Section 127 Cr.P.C. by stating that now the income of the petitioner-husband is Rs.45,000/- to Rs.50,000/- per month and he is living a luxurious life and working in a company, namely, Elcon Redi Mix Kankrit, Delhi and the aforesaid amount of maintenance of just Rs.2,000/- per month was a meagre amount. The aforesaid impugned judgment has been passed after about 10 years of fixation of maintenance of Rs.2,000/- per month.

7. It was the argument of the learned counsel for the petitioner that now the petitioner is not working as he has been thrown out of the job because of the pendency of the present litigation. However, as per the aforesaid impugned judgment, the petitioner-husband was working in a private company and earning Rs.45,000/- per month. The learned Principal Judge, Family Court,



Palwal, Camp Court, Hodal has only enhanced the amount of maintenance from Rs.2,000/- per month to Rs.5,000/- per month. There is no doubt that the aforesaid amount of maintenance of only Rs.2,000/- per month for respondent-wife, who was shown to be not working and having no source of income at all, was very less and meagre. Even the enhanced amount of maintenance of Rs.5,000/- per month cannot be said to be exorbitant or on the higher side. Even if assumingly for the sake of arguments it is taken to be true that as of now the petitioner-husband is not working anywhere because as per the learned counsel for the petitioner, he was thrown out of the job but before that, he was working in a private company and earning Rs.45,000/- per month. Apart from the above, it is otherwise also a settled law that if 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. Reference in this regard can be made to the judgment passed by Hon'ble Supreme Court in **Anju Garg versus Deepak Kumar Garg, (2022) SCC Online SC 1314**. 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.”

8. So far as the second argument raised by the learned counsel for the petitioner that a decree of divorce has been granted in favour of the petitioner-husband under Section 13 of the Hindu Marriage Act, 1955 in a petition filed against the respondent-wife and therefore, the respondent-wife is not entitled for grant of maintenance is concerned, a perusal of the aforesaid decree dated 05.03.2025 passed by the learned Principal Judge, Family Court, Palwal would show that there is no such alimony fixed for the respondent-wife. Under Section 125 Cr.P.C., even a divorced wife is entitled for grant of maintenance and therefore, the aforesaid argument raised by the learned counsel for the petitioner is not sustainable.

9. After hearing the learned counsel for the petitioner and perusing the aforesaid impugned judgment and the documents available on the record, this Court is of the considered view that there is no illegality or perversity in the aforesaid impugned judgment dated 04.03.2025 passed by the learned Principal Judge, Family Court, Palwal, Camp Court, Hodal. Apart from the above, the



present is a revision petition filed by the petitioner and the scope of revision petition is very limited.

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

19.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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