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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***********CRR(F)-790-2025 (O&M)
Date of Decision: 26.05.2025**

Sunip Kumar and another

..... Petitioners

Versus

Devki Rani

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Achin Gupta, Advocate
for the petitioners.**********JASGURPREET SINGH PURI, J. (ORAL)**

1. The present revision petition has been filed for challenging the order dated 21.04.2025 passed by learned Principal Judge, Family Court, Faridkot by which an amount of ₹10,000/- per month as interim maintenance has been granted to the respondent, who is the mother of both the petitioners.

2. Learned counsel for the petitioners submitted that in the present case a petition under Section 125 Cr.P.C. has been filed by the respondent/mother against the present petitioners, who are her sons, on the ground that she has been neglected by the petitioners and they have not even paid any maintenance to her although she is living with her third son and on this ground, the aforesaid petition was filed in which an application for grant of interim maintenance was also filed and the same has been decided by way of the impugned order vide which a total amount of ₹10,000/- per month was directed to be paid as interim maintenance to the respondent/mother, out of which, ₹7,000/- per month is to be paid by petitioner No.1 and ₹3,000/-



per month is to be paid by petitioner No.2 depending upon their source of income etc. Learned counsel argued that the impugned order passed by learned Family Court is erroneous and against the record as well. He further submitted that the respondent/mother has three sons. Two of them are the present petitioners and the third one, namely, Surinder Kumar, with whom the respondent/mother is living. He also submitted that about 5-6 years ago, the father of the petitioners passed away and the respondent/mother was living with all the children but thereafter, dispute arose especially with regard to the property which is a shop and the same is in possession of the respondent/mother and the third son with whom she is living and they are doing a business of *Punjabi Jutti* in that Shop and because of the aforesaid reason even a civil suit for permanent injunction was also filed by the respondent/mother as well as the third son vide Annexure P-1 in which it has been so stated by them that from the shop in question they are earning their livelihood by selling *Punjabi Jutti* and apart from the above, there is no other source of income. Learned counsel submitted that the aforesaid copy of the plaint was also a part of the record before the learned Family Court but the same has not been considered and rather it has been so stated by learned Family Judge that the petitioners have not been able to prove or to place on record anything that shows that the respondent/mother is having any source of income. He further submitted that apart from the above, it was also alleged by the petitioners before learned Family Court that the respondent/mother is having an FDR of about ₹7,50,000/- and she has concealed the same and not disclosed the same before learned Family Judge.

3. Learned counsel for the petitioners further submitted that

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because of the dispute between the brothers pertaining to the aforesaid shop and the fact that respondent/mother is residing with the third brother, it was in fact the third brother, namely, Surinder who was instrumental in filing the petition under Section 125 Cr.P.C. by using the name of the mother and the mother has been used as a proxy by him because of the family dispute between the parties which should not be permitted and therefore, the impugned order is liable to be set aside. He also submitted that petitioner No.1 is working as a Steno in the office of Inspector General of Police, Faridkot and his income is about ₹50,000/- to ₹60,000/- per month and petitioner No.2 is working as a Tailor on commission basis and his income is only ₹10,000/- to ₹12,000/- per month and although the interim maintenance has been proportionately divided into two parts i.e. ₹7,000/- and ₹3,000/- between both the petitioners but petitioner No.2 is not even able to provide the aforesaid amount of ₹3,000/- per month to his mother. He also submitted that both the petitioners have their own respective families to support including their children and petitioner No.1 is residing in a rental accommodation and therefore on this ground also, the impugned order is liable to be set aside. By way of the impugned order, an interim maintenance to the tune of ₹10,000/- per month has been granted to the respondent/mother by learned Family Court, out of which, ₹7,000/- per month is directed to be paid by petitioner No.1 and ₹3,000/- per month is directed to be paid by petitioner No.2.

4. I have heard the learned counsel for the petitioner and also perused the impugned order.

5. It is a case where the respondent is a mother of three children,



who are her three sons. The present Revision Petition has been filed by two sons and the petition under Section 125 Cr.P.C. was filed by the respondent/mother against two sons, who are the petitioners. The respondent/mother is residing with her third son, namely, Surinder Kumar.

6. It was the case of the respondent/mother as claimant before the learned Judge, Family Court that her husband passed away about 5-6 years ago and after the death of her husband, she was living with her three children. However, she alleged that the behaviour of the present two petitioners, who are her sons changed after some time and it was her allegation as well as the fact that the petitioners started harassing her from time to time which has come up in the impugned order also and she has specifically so stated that on 18.11.2023 at about 7:30 PM, when her son, namely, Surinder Kumar with whom she is living, was not present at home and was present at shop, then petitioner No.1, namely, Sunip Kumar attacked her with knife. Thereafter, her daughter-in-law came and rescued her from the clutches of petitioner No.1. Thereafter, even petitioner No.2, namely, Lok Chand slapped the respondent/mother for 3-4 times and both of them also threatened her that in case she does not divide the property then she will be killed. The respondent/mother has also alleged before learned Judge, Family Court that the aforesaid episodes of trying to attack her with knife by petitioner No.1 and slapping her by petitioner No.2 were also witnessed by her daughter-in-law and her grandchildren. It was further alleged by her that after the incident, she was dragged by the petitioners out of the house and when the matter was reported to the SHO, Faridkot, no action was taken by the police. A perusal of the aforesaid impugned order



would further show that it was so alleged by respondent/mother that she has no source of income to maintain herself and has no moveable and immovable property and on the other hand, petitioner No.1 is working as Steno in the office of the Inspector General of Police, Faridkot and is getting a salary of an amount of ₹50,000/- to ₹60,000/- per month and petitioner No.2 is a reputed Tailor of the area and earns ₹40,000/- to ₹50,000/- per month.

7. However, the petitioners had so stated before learned Family Court that there is a shop which is in the possession of respondent/mother and other brother, namely, Surinder Kumar and they are running a business of *Punjabi Jutti* in the main *bazar* at Faridkot and apart from the above, there is even a fixed deposit amount i.e. ₹7,24,457.92/- in the name of the mother and therefore, the respondent/mother was not entitled for grant of interim maintenance.

8. The argument which has been raised by learned counsel for the petitioners that there is a family dispute between the parties pertaining to which even a civil suit for permanent injunction was also filed by respondent/mother and their brother, namely, Surinder Kumar in which they have so stated that they have been earning their livelihood from the aforesaid shop and therefore, the respondent/mother is not entitled for grant of interim maintenance as she already has sufficient source of income is absolutely unsustainable and liable to be rejected on the ground that the mere fact that the mother although not proved on record before learned Family Court that she was having any source of income but purely on the basis of the pleadings that for the purpose of earning livelihood that they are earning out

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of the shop itself cannot become a ground for denial of interim maintenance to the mother because the maintenance is a statutory entitlement of the mother apart from social and economic responsibility and is also entitled for the same from her own sons. The aforesaid interim maintenance to the tune of ₹10,000/- per month has been granted to the respondent/mother as an interim measure and it is yet to be seen at the time of the trial although the same being summary in nature under Section 125 Cr.P.C. as to what is the income of the mother and how much she is able to sustain subject to her medical condition because of being an old aged lady of about 65 years but only for the purpose of interim maintenance and that too of only a meager amount of ₹10,000/- per month, the petitioners have come up before this Court by filing the present revision petition.

9. Even otherwise also, it is very unfortunate that respondent/mother who is having three sons and because of family dispute she had to approach the Court by filing the petition under Section 125 Cr.P.C. against her own sons for grant of maintenance. Petitioner No.1 is working as Steno in the office of Inspector General of Police, Faridkot and petitioner No.2 is stated to be a reputed Tailor as per the respondent/mother but as per the counsel for the petitioners, petitioner No.2 is working as a Tailor only on the commission basis. Be that as it may, both the petitioners are earning and having some status in the society. On the ground of being ignored and humiliated, the mother had to file a petition under Section 125 Cr.P.C. in which interim maintenance of ₹10,000/- per month has been granted which has been challenged before this Court. The argument of the learned counsel for the petitioners is that it was only a proxy war by their brother, namely,

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Surinder Kumar and therefore, interim maintenance was not justified. This Court is of the considered view that there is nothing on record to show that it was a proxy war because it is not the only case which she has filed but she had rather also filed a civil suit for permanent injunction which has been annexed as Annexure P-1 and for the purpose of considering the right of claiming of an interim maintenance, the aforesaid cannot become a ground for denial of maintenance.

10. Not only this, the respondent/mother had so alleged that she was rather attacked by petitioner No.1 with knife and petitioner No.2 had also slapped her and did not provide any amenities after the death of her husband, who was the father of the petitioners. Although these are the only allegations by the respondent/mother and the veracity of the same can only be ascertained at the time of trial by way of adducing evidence because the main petition under Section 125 Cr.P.C. is still pending but the petitioners who are well placed in society and earning handsome amount, have filed the present revision petition challenging the impugned order vide which only interim maintenance has been granted although as per the impugned order no income of the respondent/mother has been shown on record.

11. This Court in somewhat similar kind of case bearing **CRR(F)-284-2024** titled as “**Sikander Singh Vs. Surjit Kaur**”, decided on **06.02.2025** where a son had come up before this Court against her mother although against the final maintenance decided, had observed that it is a classic example of *Kalyug* wherein the litigation had come up between the mother and son. This Court is of the considered view that the present case is also a classic example of *Kalyug* where because of family dispute, the



mother having three sons after losing her husband had to knock the doors of the Family Court for grant of maintenance.

12. Since the petition under Section 125 Cr.P.C. is still pending, the impugned order is only an order by which an interim maintenance of ₹10,000/- per month only has been granted that too in a proportion of ₹7,000/- and ₹3,000/- between two sons and by no stretch of imagination it can be said even if assumingly that respondent/mother is having some source of income that aforesaid interim maintenance is either erroneous or is on the higher side. Therefore, this Court would also consider this aspect that filing of the present revision petition amounts to perpetuating litigation by two sons against their own mother and hence the present petition is *ex facie* vexatious petition. Even otherwise also, the scope of a Revision Petition is very limited especially when the challenge is made to only grant of interim maintenance in favour of the mother of three sons. This Court does not find any illegality or perversity in the impugned order passed by learned Family Court.

13. Consequently, the present revision petition is hereby dismissed with ₹25,000/- (Rupees Twenty Five Thousand Only) as costs. The aforesaid costs of ₹25,000/- shall be divided proportionately between petitioner No.1, who shall pay ₹15,000/- and petitioner No.2 shall pay ₹10,000/- since by way of the interim order petitioner No.1 was directed to pay ₹7,000/- per month and petitioner No.2 was directed to pay ₹3,000/- per month. The aforesaid costs shall be deposited by both the petitioners before learned Family Court, Faridkot within a period of three months from today. After the deposit of the aforesaid costs, the same shall be transmitted by the learned

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Family Court to respondent/mother forthwith by way of a demand draft in her name. In case, the aforesaid cost is not deposited within the aforesaid period, then learned Family Court shall ensure that the same is recovered from both the petitioners in accordance with law including by way of recovery as arrears of land revenue.

14. Since the main case has been dismissed, all the pending applications also stand disposed of.

15. A copy of this order be sent to learned Principal Judge, Family, Faridkot for information and compliance purposes.

26.05.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |