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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***********CRR(F)-825-2025 (O&M)
Date of Decision: 29.05.2025**

Amrinder Singh Saini

..... Petitioner

Versus

Gurroop Kaur and another

..... Respondents

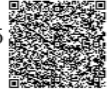
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amandeep Singh, Advocate for
Mr. R.K. Malik, Advocate
for the petitioner.

**********JASGURPREET SINGH PURI, J. (ORAL)**

1. The present revision petition has been filed by the petitioner/husband for challenging the impugned order dated 01.04.2025 passed by learned Additional Principal Judge, Family Court, Ludhiana vide which a petition under Section 125 Cr.P.C. filed by the respondents i.e. wife and minor daughter for grant of maintenance against the petitioner was allowed and the total maintenance to the tune of ₹14,000/- per month i.e. ₹5,000/- per month for respondent No.1/minor daughter and ₹9,000/- per month for respondent No.2/wife has been fixed.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the marriage had taken place between the petitioner and respondent No.2 on 04.11.2018 and thereafter, a female child was born out of their wedlock on 07.08.2019. He further submitted that the marriage between the parties is not in dispute and it is also not in dispute that respondent No.1/girl was born out of their wedlock who is of the age of about 6 years and is in the care and custody of respondent No.2/wife. He

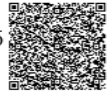
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however submitted that as per the affidavit of the petitioner pertaining to his income, assets and liabilities which was submitted by him at the time of consideration of interim maintenance, his income was ₹34,033/- per month and he is working as Collection Branch Manager in Piramal Capital Housing Finance Limited, but at the same time he also has other expenditures to make which include paying premium of ₹25,560/- per annum and ₹9,463/- per month as EMI against car loans. Apart from the above, he also has other liabilities especially to take care of his old aged grandparents and number of other expenditures and therefore, he is not in a position to pay the aforesaid amount of ₹14,000/- per month as maintenance to his wife and his minor daughter.

3. Learned counsel for the petitioner further submitted that so far as respondent No.2/wife is concerned, she is a well educated lady having qualification of B.A. PGDCA and she is a home maker but not doing any job and as per her affidavit filed before the learned Judge, Family Court her income is nil and she has got no source of income but at the same time, she has a capacity to earn being fully educated lady and on this ground also, the impugned order is liable to be set aside.

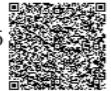
4. I have heard the learned counsel for the petitioner.

5. By way of the impugned order dated 01.04.2025, the learned Additional Principal Judge, Family Court, Ludhiana has allowed the petition under Section 125 Cr.P.C. by fixing final maintenance of ₹14,000/- per month in total i.e. ₹5,000/- per month for respondent No.1/minor daughter and ₹9,000/- per month for respondent No.2/wife. Petitioner is the husband and respondent No.1 is the minor daughter of the age of about 6 years and respondent No.2 is the wife of the petitioner. A perusal of the aforesaid

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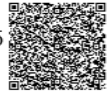
impugned order would show that during the course of trial, the petitioner absented himself from cross-examining the wife and after that he was proceeded as *ex parte*. Thereafter, the petitioner had filed an application for setting aside the *ex parte* order, but the same was allowed subject to clearance of 50% of the amount due till that date which he did not deposit and again for the second time he was proceeded as *ex parte*. Learned Judge, Family Court for the purpose of considering and deciding the main petition under Section 125 Cr.P.C. relied upon the affidavit which the petitioner filed at the time of considering the application for grant of interim maintenance wherein he himself so stated that he is working as Branch Collection Manager in Piramal Capital Housing Finance Limited and is drawing a salary of ₹34,033/- per month and in this way, the aforesaid income of the petitioner remains undisputed even as per his own affidavit. On the other hand, as per the affidavit filed by respondent No.2/wife, she has no source of income and a finding has also been returned by the learned Judge, Family Court that the respondent/wife has no source of income. At the same time, the minor daughter of the age of about 6 years is also in the care and custody of respondent No.2/wife. Even otherwise also, at the time of filing of the petition under Section 125 Cr.P.C., the age of the daughter was 4 years and now at the age of 6 years she must have now started going to school as well. The total maintenance has been fixed for respondent No.2 wife is only ₹9,000/- per month and for respondent No.1/minor daughter is only ₹5,000/- per month.

6. The argument which has been raised by learned counsel for the petitioner that he also has other expenditures i.e. paying premium of ₹25,560/- per annum, ₹9,463/- per month as EMI against car loans and also

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to take care of his old aged grandparents are concerned is absolutely unsustainable. For the purpose of considering and deciding the petition under Section 125 Cr.P.C., a liability is to be fastened upon the husband which is not only a statutory liability under an enactment but also a social, economic and moral responsibility of the husband to maintain his wife and his minor children. The mere fact that the petitioner also has other expenditures to make is not significant and is irrelevant. The liability is fixed as per the law and therefore, such an argument of the learned counsel for the petitioner is unsustainable.

7. Another argument which has been raised by learned counsel for the petitioner that respondent No.2/wife has an ability to work and earn because she is an educated lady having qualification of B.A. PGDCA. This Court is of the considered view that the mere fact that the respondent/wife is a graduate would not itself mean that she can be denied of the Right of Maintenance which is conferred upon her by way of a statutory provision unless the right to seek maintenance can be curtailed under the grounds which have been mentioned under Section 125 Cr.P.C. or when her income is so high as compared to the husband and it can be found that she is able to maintain herself, then in that situation she may not be entitled for grant of maintenance. However, in the facts and circumstances of the present case, the mere fact that respondent No.2/wife is a graduate but having no job would not mean that she can be denied maintenance when she is having no source of income at all and at the same time, she is also having the care and custody of a 6 years old minor female child for whom only an amount of ₹5,000/- per month as maintenance has been fixed. By no stretch of imagination, it can be said that the aforesaid even quantum of maintenance is

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on the higher side. This Court does not find any illegality or perversity in the impugned order passed by learned Additional Principal Judge, Family Court, Ludhiana.

8. Consequently, the present petition is hereby dismissed with ₹10,000/- (Rupees Ten Thousand Only) as costs. The petitioner is hereby directed to deposit the aforesaid costs before the learned Judge, Family Court, Ludhiana within a period of 3 months from today. On his deposit of the same, learned Judge, Family Court, Ludhiana shall transmit the same in the name of respondent No.1/minor daughter in the form of any Government scheme including an FDR or any *Sukanya Samriddhi Yojana* or any other scheme of the Government which as per the wisdom of learned Judge, Family Court will be best suited for minor daughter.

9. In case the aforesaid amount is not deposited by the petitioner within the aforesaid period, then learned Family Court, Ludhiana is hereby directed to ensure that the aforesaid amount is deposited by the petitioner and to recover the same from him in accordance with law including recovery by way of arrears of land revenue.

10. Since the present petition has been dismissed, all the pending applications also stand disposed of.

29.05.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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