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

**CRR(F)-826-2025
Date of Decision: 29.05.2025**

Gaurav Sharma

..... Petitioner

Versus

Nidhi Sharma and another

..... Respondents

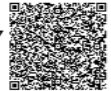
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Mansi Verma, Advocate for
Mr. Navmohit Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed by the petitioner/husband for challenging the order dated 16.04.2025 passed by learned Principal Judge, Family Court, Faridabad vide which application filed by the respondents for grant of interim maintenance has been decided and the total amount of ₹22,000/- per month (₹12,000/- per month to respondent No.1/wife and ₹10,000/- per month to the minor son) as interim maintenance has been fixed.

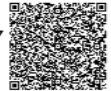
2. Ms. Mansi Verma, learned counsel appearing on behalf of the petitioner has argued that it is a case where the marriage between the petitioner and respondent No.1 took place on 21.04.2008 and one male child was born out of their wedlock, whose age at the time of filing of the petition under Section 125 Cr.P.C. was about 14 years and he is a minor child and is in the care and custody of respondent No.1/wife. She further submitted that although as per the affidavit filed by the petitioner before learned Family

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Court, his gross salary is ₹63,512/- per month and net pay is ₹50,224/- per month but at the same time, the respondent was also earning income although it was not depicted in her affidavit but there were various entries of amount credited in her account on different dates. She also submitted that an allegation was also made by the petitioner with regard to adultery against respondent/wife and since she has herself withdrawn from the society of the petitioner, she is not entitled for grant of maintenance under Section 125 Cr.P.C. and even for grant of interim maintenance. So far as the respondent/wife is concerned, in her affidavit she has so stated that she is not earning anything and has no source of income but in view of the aforesaid account statement, she has been receiving some money from other persons and therefore, on this ground also, the impugned order is liable to be set aside.

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

4. The facts as mentioned in the impugned order by which only an interim maintenance has been granted, it is clear that as per the separate affidavits filed by the respective parties i.e. the petitioner/husband and respondent No.1/wife, the petitioner is working in M/s Hindustan Syringe and Medical Devices Ltd., Sector-25, Faridabad as a Supervisor and is earning ₹63,512/- per month as gross salary and ₹50,224/- per month as net pay. So far as respondent No.1/wife is concerned, as per her affidavit, she is having no source of income. However, the petitioner has alleged that respondent No.1 is having relationship with some other persons, namely, Deepak Singh, Parveen Kapasia and Rajan Chauhan. The arguments raised by learned counsel for the petitioner with regard to respondent No.1/wife withdrawing from the society of the petitioner on the basis of the aforesaid

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bank statements and also on the basis of the allegations made in the present case by the husband against the wife is not sustainable. By way of the present petition, the petitioner has challenged the impugned order by which only interim maintenance has been granted which is only for the interregnum period and the basic summary trial under Section 125 Cr.P.C. is still pending and evidence is yet to be led but the interim maintenance has been decided only for that period till the main petition is pending and as per judgment of Hon'ble Supreme Court passed in "**Rajnesh Vs. Neha and another**" **2021(2) SCC 324**, the interim maintenance is to be decided on the basis of the affidavits pertaining to declaration of their income, assets and liabilities. By way of the impugned order, learned Principal Judge, Family Court, Faridkot has rightly granted the aforesaid interim maintenance on the basis of the affidavit since the petitioner as per his own affidavit is earning an amount of ₹63,512/- per month as gross salary and respondent No.1/wife is having no source of income and at the same time, one minor boy of the age of 14 years is in the care and custody of respondent No.1/wife.

5. So far as the allegation of adultery against the wife is concerned, these are only allegations made by the petitioner/husband but there is neither any finding with regard to the same nor the same could have been considered at the stage of deciding the application for grant of interim maintenance. By mere making allegations of adultery and withdrawing from the society of the petitioner by the wife, the wife and the child cannot be denied for grant of interim maintenance.

6. Even otherwise also, the present is a revision petition of which the scope is very limited and that too when the challenge is to only an interim maintenance order. This Court does not find any illegality or

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perversity in the impugned order passed by learned Principal Judge, Family Court, Faridabad.

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

29.05.2025

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No