



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

(118)

**CRR(F) No. 882 of 2025
Date of Decision: 21.7.2025**

Tarun Kumar Rathi

.....Petitioner

Versus

Rabina and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Saransh Sabharwal, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The present petition has been preferred against order dated 27.02.2025 passed by learned Principal Judge, Family Court, Narnaul, under Section 125 of the Cr.P.C., whereby maintenance of Rs. 10,000/- per month and Rs. 6,000/- per month was awarded in favour of respondents No. 1 and 2 respectively. Furthermore, a sum of Rs. 5,000/- was also awarded to the respondents as litigation expenses.

2. The brief facts of the case are that the marriage between the petitioner and respondent No. 1 was solemnized on 25.11.2016, as per Hindu religious rites and ceremonies and a male child was born from the said wedlock. A matrimonial dispute ensued between the couple and the respondents filed a petition under Section 125 Cr.P.C. for seeking maintenance. The petitioner filed a reply and contested the claim made by the respondents. The learned Family Court vide order dated 27.02.2025 granted maintenance to the tune of Rs. 16,000/- per month in favour of the respondents (Rs. 10,000/- per month to respondent No.1 and Rs. 6,000/- per



month to respondent No. 2) along with Rs. 5,000/- as litigation expenses. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner contends that the learned Principal Judge, Family Court, Narnaul, has allowed the maintenance to the respondent on a very higher side. The petitioner is currently unemployed and has no source of income as he was forced to leave the job due to the various litigations filed by respondent No. 1 against the petitioner and the father of the petitioner has disowned him from the ancestral property by way of an affidavit and a public notice. It has also been submitted that respondent No. 1 is well qualified, besides she has the experience of working with Employment Department, Government of Haryana and is capable of earning handsome income and maintaining herself and respondent No. 2. The learned counsel further submits that the learned Family Court in the impugned order, has made presumption with regard to the income of the petitioner to be Rs. 40,000/- per month. It is further submitted that the petitioner tried his best to maintain respondent No. 1 but she left the company of the petitioner without any just cause. Thus, in view of these submissions, the respondents are not entitled for any further maintenance amount from the petitioner.

4. The present petition is decided in *limine* in order to save litigation cost of the respondents and also to save the judicial time of the Court. Having heard the learned counsel for the petitioner, and after perusing the record, this Court does not find any merit in the submissions so advanced.

5. The object and purpose behind granting maintenance is to ensure that the dependent spouse and children are not reduced to destitution



or vagrancy on account of failure of marriage or any other unfortunate circumstance. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India.

6. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) v. Veeraswamy (K.)*** (1991) 2 SCC 375, speaking through Justice Fatima Beevi, opined that as follows:

“3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife.”

7. A two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria v. State of Gujarat*** (1996) 4 SCC 479, speaking through Justice Faizan Uddin, opined as follows:

“15. ... While dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is



that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation.”

8. The rival claimants must scrupulously bring on record their actual respective earning capacities in order for the Court to arrive at quantum of maintenance which is just and fair in terms of principle of equistatus. The quantum of maintenance must be justifiable and realistic to provide succour to the dependent spouse and also to avoid occurrence of the two extremes of the maintenance being either paltry or extravagant, ensuring that neither of the two is reduced to a life of penury. The adequacy of the maintenance allowance has to be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable comfort.

9. While dealing with the issue of maintenance in extenso, a two Judge bench of the Hon’ble Supreme Court in ***Rajnesh v. Neha and another (2021) 2 SCC 324***, laid down the criteria for determining quantum of maintenance and issued the following directions:

“VI Final Directions

130. In view of the foregoing discussion as contained in Part B -1 to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India:

(a) Issue of overlapping jurisdiction

131. To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

(i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding:



(ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;

(iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.

(b) Payment of Interim Maintenance

132. The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court / District Court / Magistrates Court, as the case may be, throughout the country.

(c) Criteria for determining the quantum of maintenance

133. For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B III of the judgment.

134. The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.

(d) Date from which maintenance is to be awarded

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above. (e) Enforcement/Execution of orders of maintenance 136. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28A of the Hindu Marriage Act, 1956; Section 20(6) of the D.V. Act; and Section 128 of Cr.P.C may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC more particularly Sections 51, 55, 58, 60 r.w. Order XXI."

10. A perusal of the impugned order passed by the learned Family Court makes it evident that the Court below has duly considered the material placed before it at the time of deciding the application for maintenance. All the pleas raised herein had already been addressed by the learned Family



Court in the impugned order. The petitioner is M.E. in Civil Engineering and was employed as an Assistant Professor at MITRC College. The learned Family Court in the impugned order has recorded that though the pay slip of the petitioner herein for the relevant period has not been brought on record, however, the bank account statement of the petitioner filed along with the affidavit qua his assets and liabilities makes it clear that an amount of Rs. 40,000/- per month was being credited into his account on account of salary. The argument raised by the petitioner that on account of cruelty meted out to him by respondent No. 1 he suffered depression and was removed from job on 7.5.2022, could not be substantiated on record and no cogent evidence in support of the said argument has been led. Even if it were the case, the petitioner being well qualified can easily secure similar, if not better alternate employment. Furthermore, the petitioner having liability of maintaining his parents, is not a tenable ground, since the father of the petitioner is admittedly receiving Rs. 45,000/- per month as pension from the Indian Army and the residential house is in the name of the mother of the petitioner. Furthermore, no evidence has been advanced to substantiate the claim regarding the income of the wife. The custody of the minor child is with the mother. It is settled law that a wife cannot be denied maintenance solely on the ground that she is well qualified. Therefore, in view of these observations, monthly income of the petitioner was assessed to be Rs. 40,000/- per month and thereafter the quantum of maintenance @ Rs. 10,000/- per month to the wife and Rs. 6,000/- per month to the child was fixed. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court.



- 11. Accordingly, the present petition is dismissed being bereft of any merit.
- 12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 21, 2025
Gurpreet Singh

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