

2025:PHHC:161431



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

**CR-4180-2024 (O&M)
Decided on:-19.11.2025**

Surendra Kumar Vishwakarma

....Petitioner..

vs.

Smt. Komal

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.S.K. Bishnoi, Advocate and
Ms. Meenakshi Tawra, Advocate (thr. V.C.) for the petitioner.

Mr. Jitender Singh Dadwal, Advocate for the respondent.

HARKESH MANUJA J. (Oral)

CM-4990-CII-2025

Since, the main case is listed today, therefore, the present application for preponing the date of hearing of the main case is dismissed as having been rendered infructuous.

Main case

1. By way of present revision petition, challenge has been laid to the orders dated 25.09.2023 and 02.04.2024 passed by the Courts below, whereby, an interim maintenance @ Rs.7000/- per month along with a sum of Rs.2000/- per month towards rent has been granted in favour of respondent-wife.

2. Briefly stating, the marriage between the parties took place on 25.08.2021. Allegedly, the parties were residing separately since 05.03.2022.

On 11.10.2022, the respondent-wife filed complaint/petition before the Court of learned Judicial Magistrate at Rohtak by invoking Sections 12, 17,

18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005 (for short "*the 2005 Act*"). In the said petition, an application under Section 23 of the 2005 Act was filed for grant of interim maintenance as well as for litigation expenses and also to provide accommodation in the shared household. The said application came to be disposed of by the learned Judicial Magistrate Ist Class, Rohtak vide order dated 25.09.2023.

Relevant para 8 thereof is reproduced hereunder:-

- “8. *Therefore, in light of my above discussion, application in hand is partly allowed with following terms:*
- (a) *Respondent side is restrained from committing any act of domestic violence against applicant. She is at liberty to approach the protection officer if they would indulge in any such activity.*
 - (b) *Respondent No.1 is directed to pay interim maintenance to the tune of Rs.7,000/- p.m. to applicant from date of filing of the application. He is further directed to pay Rs.2000/- p.m. since 15.09.2023 onwards. He shall pay these amounts before 10th of every month preferably by depositing the same in account of applicant and she is directed to provide her account details to him immediately. However, the maintenance amount shall be adjustable against another maintenance, if any, being received by the applicant.*
 - (c) *Respondent No.1 is further directed to pay Rs.10,000/- as litigation expenses to applicant.*
- XX XX XX*

2.1 Aggrieved thereof, the petitioner-husband preferred first appeal, however, the same came to be dismissed by the Court of Id. Additional District and Sessions Judge at Rohtak vide its order dated 02.04.2024. Hence, the present present revision.

3. Impugning the aforementioned orders, learned counsel for the petitioner submits that the respondent-wife resided with the petitioner only for few months and thereafter, got separated followed by registration of two FIRs against him. He thus, points out that the respondent-wife having left the company of the petitioner-husband for no justified reason thus was not

entitled for grant of any interim maintenance.

3.1 It has also been pointed out that the respondent-wife was B.Sc., B.Ed. pass and, thus, was capable to maintain herself and as such, she was not entitled for grant of any maintenance from the petitioner-husband, who was only 12th pass and was barely able to maintain himself as well as his widow mother. Learned counsel further submits that initially in the petition filed before the Courts below, respondent-wife mentioned her parental address and never disclosed about any rented accommodation, whereas, one rent agreement was surprisingly presented before the learned Trial Court only 8 days before the adjudication of the interim application and thus, she was not entitled for grant of any amount towards rented accommodation; the rent deed produced by her being suspicious. He thus, submits that the present petition was required to be allowed and orders passed by the learned Courts below in favour of respondent-wife were liable to be set aside.

4. On the other hand, learned counsel appearing on behalf of the respondent-wife submits that the petitioner-husband has not been fair to the Court. While pointing towards the affidavit of assets and liabilities furnished by the petitioner-husband before the learned Trial Court, he submits that even no details of the employer were mentioned therein and thus, the petitioner not being fair to the Court was liable to be non-suited on this short ground alone. He further submits that the Courts below have passed well-reasoned orders based on the facts and circumstances of the case and thus, no interference was called for in the present revision.

5. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

6. A perusal of the affidavit of assets and liabilities, furnished by the petitioner-husband clearly depicts that even the details of his employer have not been mentioned therein. Thus, a deliberate attempt has been made on the part of the petitioner-husband to withhold the necessary and relevant information from the Courts below, though, it was essentially required to be put forth on record by him in terms of the decision rendered by the Hon'ble Apex Court in ***"Rajnesh vs. Neha and another", 2020(13) SCALE (Pg.29)***. In such circumstances, adverse inference needs to be drawn against the petitioner-husband. Further, perusal of the impugned orders shows that the same are well-reasoned and justified as merely Rs.7000/- per month has been awarded as interim maintenance besides granted the benefit of Rs.2000/- per month towards rent, therefore, the same calls for no interference especially, considering the mounting cost of living in the present financial and economic scenario; essentially needed to survive.

6.1 Moreover, the present is an interim arrangement and is always subject to the final outcome of the application filed at the instance of respondent-wife after the parties to the litigation lead their evidence in support of their respective claims and in any case any alteration is made by the Court concerned therein, the amount, if any, paid in excess shall always be adjustable towards the final determination.

7. In view of the discussion made herein above, the present petition being devoid of merits stands dismissed.

8. Pending applications, if any, also stand disposed of.

19.11.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No