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

**CRR(F)-1041-2024 (O&M)
Date of decision: 10.07.2025**

HARJIWAN SINGH

...Petitioner(s)

VERSUS

GUNJIT KAUR AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vijay Kumar, Advocate
for the petitioner.

Mr. Rajan Singh Dadwal, Advocate
for respondents No.1 and 2.

Mr. Gurpartap S. Bhullar, Asst. A.G., Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the order dated 14.05.2024 passed by the learned Additional Principal Judge, Family Court, Ludhiana, vide which ad-interim maintenance has been granted to respondent No.1-wife to the tune of Rs.4,000/- per month and respondent No.2-minor son to the tune of Rs.3,000/- per month, totalling Rs.7,000/- per month.

2. On 23.01.2025, the matter was sent to the Mediation and Conciliation Centre of this Court but as per the report of the Mediator and as per the learned counsels for the parties, the mediation has failed.



3. Learned counsel for the petitioner submitted that the marriage between the petitioner and respondent No.1 was solemnized on 09.04.2016 and thereafter, respondent No.2-minor son was born out of the said wedlock on 22.06.2017 and the petition under Section 125 Cr.P.C. for grant of maintenance was filed by both respondent No.1-wife and respondent No.2-minor son. He also submitted that the marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that respondent No.2-minor son was born out of the said wedlock, who is in the care and custody of respondent No.1-wife.

4. Learned counsel for the petitioner further submitted that by way of the aforesaid impugned order, ad-interim maintenance has been granted to respondent No.1-wife to the tune of Rs.4,000/- per month and to respondent No.2-minor son to the tune of Rs.3,000/- per month, totalling Rs.7,000/- per month, from the date of application till the adjudication of the application of interim maintenance on merits. He also submitted that the petitioner-husband has his old aged parents to maintain and his income is not to that extent that he can pay the aforesaid amount of ad-interim maintenance to respondent No.1-wife and respondent No.2-minor son and therefore, the aforesaid impugned order is liable to be set aside.

5. On the other hand, learned counsel for respondents No.1 and 2 submitted that it is a case where when respondents No.1 and 2 filed a petition under Section 125 Cr.P.C. for grant of maintenance then the application of interim maintenance was kept pending because of the default of the petitioner-husband as he did not file the affidavit pertaining to declaration of his assets



and liabilities in view of the judgment passed by Hon'ble Supreme Court in ***Rajnish versus Neha and another, (2021) 2 SCC 324*** and because of non-filing of the aforesaid affidavit, the aforesaid impugned order was passed by the learned Additional Principal Judge, Family Court, Ludhiana, vide which only ad-interim maintenance has been granted from the date of application till the adjudication of the application of interim maintenance on merits and therefore, there is no illegality or perversity in the aforesaid impugned order. He further submitted that respondent No.1-wife is not working and not earning anything and she has got no source of income at all and at the same time, she is having the care and custody of respondent No.2-minor son. He also submitted that so far as the petitioner-husband is concerned, he is having his own business and is earning handsome amount of money regarding which the respondent No.1-wife will produce the documents at the time of trial for proving the same before the learned Family Court and therefore, in view of the aforesaid facts and circumstances, the present petition is liable to be dismissed.

6. I have heard the learned counsels for the parties.

7. It is a case where the petitioner-husband has filed the present revision petition challenging the order dated 14.05.2024 passed by the learned Additional Principal Judge, Family Court, Ludhiana, whereby ad-interim maintenance has been granted to respondents No.1 and 2 as aforesaid. The marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that respondent No.2-minor son was born out of the said wedlock, who is in the care and custody of respondent No.1-wife. A perusal of the aforesaid impugned order would show that when respondent No.1-wife and



respondent No.2-minor son filed a petition under Section 125 Cr.P.C. for grant of maintenance, they also filed an application for grant of interim maintenance but the petitioner-husband did not file the affidavit pertaining to declaration of his assets and liabilities, which was required to have been filed in view of the judgment passed by Hon'ble Supreme Court in *Rajnish versus Neha's case (Supra)*. Therefore, the matter was adjourned and in the aforesaid circumstances, the learned Additional Principal Judge, Family Court, Ludhiana thought it fit that in the interregnum period i.e. from the date of application till the time the application for grant of interim maintenance is decided on merits, ad-interim maintenance of Rs.4,000/- per month be paid to respondent No.1-wife and Rs.3,000/- per month to respondent No.2-minor son.

8. The petitioner-husband is stated to be having his own business and is also working, whereas as per the learned counsel for respondents No.1 and 2, respondent No.1-wife is not working anywhere and is not having any source of income at all and at the same time, she is having the care and custody of respondent No.2-minor son and therefore, no illegality or perversity can be found in the aforesaid impugned order passed by the learned Additional Principal Judge, Family Court, Ludhiana as only ad-interim maintenance has been granted to respondents No.1 and 2 because of the default of the petitioner-husband in not filing the affidavit declaring his assets and liabilities, and that too only till the time the application of interim maintenance is decided on merits. Not only this, the learned Additional Principal Judge, Family Court, Ludhiana has directed the petitioner-husband to pay a total amount of Rs.7,000/- per month as ad-interim maintenance i.e. 4,000/- per month to



respondent No.1-wife and Rs.3,000/- per month to respondent No.2-minor son and the same cannot be said to be excessive or exorbitant.

9. Since the petitioner-husband has filed the present revision petition of which the scope is very limited and has not been able to make out any ground for filing the present revision petition, this Court is of the considered view that the present revision petition is totally vexatious and tantamounts to perpetuating the litigation without any ground.

10. In view of the aforesaid facts and circumstances, the present revision petition is hereby dismissed with Rs.10,000/- (Rupees Ten Thousand) as costs. The petitioner is directed to deposit the aforesaid costs before the Court of learned Additional Principal Judge, Family Court, Ludhiana, within a period of three months from today. On his depositing the aforesaid costs, the learned Additional Principal Judge, Family Court, Ludhiana shall transmit the aforesaid amount in the name of respondent No.2-minor son by way of either fixed deposit through his mother, or by depositing the amount in the name of minor son in any suitable Government Scheme or whichever method is most beneficial and suitable for the minor son as per the wisdom of the learned Additional Principal Judge, Family Court, Ludhiana.

11. The learned Additional Principal Judge, Family Court, Ludhiana shall also ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in case the same is not done, then the learned Additional Principal Judge, Family Court, Ludhiana shall recover the same from the petitioner in accordance with law, including recovery as arrears of land revenue.



12. A copy of this order be sent to the learned Additional Principal Judge, Family Court, Ludhiana.
13. Miscellaneous applications, if any, shall also stand disposed of since the main case has been dismissed.

10.07.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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