



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(106)

CRR(F) No. 1078 of 2025 (O&M)
Date of Decision: 06.8.2025

Agnivesh Tocus

.....Petitioner

Versus

Kinmay (minor) through maternal
grandfather Karamvir

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Anupam Bhanot, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

CRM-28753-2025

This is an application under Section 5 of the Limitation Act seeking condonation of delay of 123 days in filing the present revision petition.

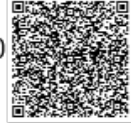
The application is allowed for the reasons stated therein.

Delay of 123 days in filing the present revision petition is condoned.

CRR(F) No. 1078 of 2025

1. The present petition has been preferred against order dated 18.12.2024 passed by learned Additional Principal Judge, Family Court, Rewari, in a petition filed by the respondent under Section 125 of the Cr.P.C., whereby interim maintenance to the tune of Rs. 15,000/- per month was awarded in favour of the respondent.

2. The brief facts of the case are that the petitioner is the father of minor Kinmay (respondent herein). The marriage between the petitioner and



the mother of the minor was solemnized on 3.11.2014. The mother of the minor expired on 2.6.2022. Thereafter, the minor was taken by his maternal grandfather in his care and custody. Subsequently, the minor through his maternal grandfather filed a petition under Section 125 Cr.P.C. for seeking maintenance, which was duly contested by the petitioner. The learned Family Court vide order dated 18.12.2024 granted interim maintenance to the tune of Rs. 15,000/- per month in favour of the respondent. 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 Additional Principal Judge, Family Court, Rewari, has allowed the maintenance to the respondent on a very higher side. It is further submitted that the petitioner has already instituted a petition under Section 25 of the Guardians and Wards Act seeking custody of the minor, which is pending adjudication. Moreover, the petitioner has never neglected or refused to maintain his minor child. 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. 90,000/- per month, whereas his salary slip (Annexure P-6) clearly shows his net salary as Rs. 68,000/- per month with monthly deductions of around Rs. 14,000/- per month as EMIs towards personal loans. Thus, in view of these submissions, the respondent is not entitled for any further maintenance amount from the petitioner.

4. The petitioner has earlier approached this Court by way of CRR(F)-146-2025. However, vide order dated 03.2.2025 the said petition was dismissed as withdrawn.

5. The present petition is being decided in *limine* in order to save



litigation cost of the respondent 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.

6. 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. Provisions of interim maintenance pending adjudication of the application under Section 125 Cr.P.C. is a way of granting immediate relief to the aggrieved. 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.

7. 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.”

8. 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.”

9. 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.

10. 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.

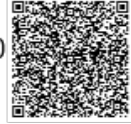
(c) Criteria for determining the quantum of maintenance

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."

11. 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. It was observed in the impugned order that a *prima facie* case of neglect of the minor was established against the petitioner. It was also recorded therein that the contention of the petitioner-father being a man of sufficient means, drawing as salary of Rs. 90,000/- by serving in the Indian Army was also not specifically denied by the petitioner and neither had the petitioner shown any compulsory deductions or averred his parents as being dependent on him. Therefore, after taking into account the salary of the petitioner to be Rs. 90,000/- per month as net paid amount and keeping in view the tender age and relevant expenses of the minor including his education, the interim maintenance to the tune of Rs. 15,000/- was awarded to the minor. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court. Even otherwise, it is only interim maintenance which has been awarded at this stage. The main petition under Section 125 Cr.P.C. for maintenance, which is yet to be adjudicated would be, goes without saying, decided after taking into account all the pleas raised and evidence advanced before the learned Court at the relevant time.

12. Accordingly, the present petition is dismissed being bereft of any merit. However, nothing contained herein shall have any bearing on the



merits of the case pending before the learned Family Court, Rewari.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

August 06, 2025
Gurpreet Singh

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