



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F) No.1182 of 2025(O&M)

Date of Order:18.08.2025

Malkiat Singh

.Petitioner

Versus

Amarjit Kaur

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Rubik Sood, Advocate
for the petitioner.

SHALINI SINGH NAGPAL, JUDGE

1. The award of Rs.5,000/- per month to the respondent-wife as interim maintenance and Rs.3,500/- as litigation expenses, vide order dated 02.06.2025, of learned Additional Principal Judge, Family Court, Patiala, has been challenged in this revision petition.

2. Learned counsel for the petitioner has argued that the respondent-wife willfully deserted the petitioner in 2016 and filed the maintenance application after unexplained delay of six years only to harass him. It was submitted that the petitioner was looking after his ailing dependent parents and minor daughter, his father was suffering from 100% locomotor disability and petitioner only earned Rs.8,000/- to 10,000/- per month. The respondent-wife, on the other hand, was a lady of resources. Referring to Annexure P-4, copy of petition under Section 25 of the Guardian and Wards Act, 1980, read with Section 6 of the Hindu Minority and Guardianship Act, 1956, it was submitted that the wife pleaded therein that she was a person of sources and her family was well settled. Further,



that she was able to take care of the child and to maintain her with good life style. Learned counsel urged that affidavit of income assets and expenditure filed by the wife suppressed these facts which the wife admitted in another litigation and the wife had wrongly stated in the affidavit that she was unemployed and fully dependent on income of her parents.

3. Heard learned counsel representing the petitioner.

4. As per directions of Hon'ble the Supreme Court of India in **Rajnesh vs. Neha and others, (2021) 2 SCC 324**, while deciding an application for interim maintenance, the court is required to look into the affidavit of disclosure of assets and liabilities which both parties are required to file in all maintenance proceedings. Petitioner-Malkiat Singh herein, in his affidavit, Annexure P-3, filed in the Court of learned Additional Principal Judge, Family Court, Patiala, disclosed his educational qualifications to be +2 and I.T.I.(Weldor). Though, he denied the claim of respondent-wife that he was earning Rs.50,000/- per month from the work of tubewell boring, such denials are common in all matrimonial litigations where maintenance is sought by an estranged wife. The respondent-wife in her affidavit has stated that she is unemployed, fully dependent on her parents income.

5. For assessment of interim maintenance, the qualification of the petitioner-husband and his capacity to earn is to be considered. The claim of the husband that he is earning Rs.8,000/- per month, from his employment in HD Hotel, was rightly negated by the learned Additional Principal Judge, Family Court, to hold that a *prima-facie* case for grant of interim maintenance was made out in favour of the wife. The award of Rs.5,000/-



per month as interim maintenance allowance can by no stretch of imagination, be termed excessive or unreasonable given the educational qualification of the husband, his capacity to earn and considering his liabilities.

6. Even if the pleadings of the respondent-wife in another litigation between the parties are considered, it should not deprive her of interim maintenance of meagre amount of Rs.5,000/- which is barely sufficient to keep body and soul together. The allegation that the respondent-wife had deserted the petitioner six years before filing the petition, would be tested during trial and decided after the parties have led evidence. At the stage of deciding application for interim maintenance, in order to prevent vagrancy and destitution, some guess work and rough estimation is required to be done on the basis of pleadings of the parties and affidavits submitted by them. Considering the status in life of the parties, the reasonable wants of the wife, the estimated income of the respondent and his liabilities, there is no ground to interfere with the award of maintenance allowance vide order dated 02.06.2025.

7. The revision petition is accordingly dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

18th August, 2025
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**