



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

CRR(F) No.1176 of 2025(O&M)

Reserved on : 13.08.2025

Date of Order:20.08.2025

Rahul

.Petitioner

Versus

Smt. Preeti and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

**Present: Mr. Ranvir Singh Arya, Advocate
for the petitioner.**

SHALINI SINGH NAGPAL, JUDGE

1. Challenge herein is to order dated 08.05.2025, of learned Principal Judge, Family Court, Sonapat, in an application filed under Section 125 Cr.P.C, vide which the husband (revisionist) was directed to pay maintenance of Rs.4000/- per month to the wife and Rs.3,000/- per month to the minor daughter.

2. For clarity and better appreciation, the parties shall be referred to as husband and wife.

3. The facts, relevant for disposal of the petition are that the wife and minor child filed the petition averring that the parties were married on 07.05.2021, at VPO Moi Hooda, District Sonapat, as per Hindu rites and ceremonies. Out of the wedlock, a child Himani was born on 16.02.2022. The husband, who was habitual of consuming liquor, physically and sexually abused the wife. He had illicit relations with other ladies and raised demands for dowry. Panchayats were convened but the harassment and ill treatment continued. On 05.11.2021, the husband left the wife at her parental

home and since then, she was residing in rented accommodation along with the child at Sonipat. FIR was also registered against the husband and his family members. It was further averred that the husband refused to maintain the wife and the child, though he was earning Rs.30,000/- per month from his employment in HDFC Bank, Sonipat. Moreover, he had no liability.

4. The husband filed reply, alleging that the marriage was simple one. Allegations of harassment and ill treatment were refuted. He stated that the wife misbehaved with him and his family members, quarreled over petty matters, refused to do household work and insisted for separate residence. She had illicit relations with her brother-in-law and filed a false complaint only to harass him and family members.

5. The parties examined themselves in evidence and after hearing both sides, learned Principal Judge, Family Court, Sonapat, assessed maintenance of Rs.4000/- for wife and Rs.3,000/- for the child, with effect from the date of the petition.

6. The only submission of learned counsel for the husband is that the award of maintenance allowance was excessive, in as much as the qualification of the husband was only 10+2 and he was not earning anything. The wife, on the other hand, was a JBT teacher, capable of maintaining herself and the minor child, therefore, the order deserves to be set aside.

7. The relationship of the parties is not in dispute. It is not in dispute that the husband is able bodied and is also educated upto 10+2. The husband has a sacrosanct duty to maintain his wife and child, who are unable to maintain themselves. Even though it has been admitted by the wife that she was, JBT, it is no answer to a claim of maintenance that the wife was in position to support herself. Rather, consistent view of the courts is that

even if the wife is earning, it cannot operate as a bar to seek maintenance from the husband. The plea of the husband that he does not have any source of income, is a routine one not sufficient to wriggle out of the moral, statutory and fundamental duty to maintain the wife and child. Learned Principal Judge, Family Court has, by a conservative estimate, assessed income of the husband between Rs.15,000/- to Rs.20,000/- per month, taking him as a casual labourer and the award of maintenance is, by no stretch of imagination, excessive. Considering the status in life of the parties, the estimated earning of the husband, the reasonable wants of the wife and the child, their requirement for food, clothing, shelter, education and medical treatment etc., there is no ground to interfere with the award of maintenance by the learned Principal Judge, Family Court.

8. Dismissed.

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

(SHALINI SINGH NAGPAL)
JUDGE

20th August, 2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No