



CRR(F)-1426-2023 (O&amp;M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR(F)-1426-2023 (O&amp;M)

Date of Decision:- 08.01.2025

Mahek Singh

...Petitioner

Versus

Geetanjali Chauhan and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Manoj Pundir, Advocate with  
Mr. Shalender Rana, Advocate and  
Mr. Malkiat Singh, Advocate  
for the petitioner.

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**AMARJOT BHATTI, J.(Oral)****CRM-41626-2023**

This is an application filed under Section 5 of Limitation Act read with Section 482 of Cr.P.C. for condonation of delay of 33 days in filing the instant revision petition.

In view of averments made in application and in the light of settled position that a party should not be denied access to justice on hyper technical grounds, delay of 33 days in filing revision petition is condoned.

CRM is accordingly, allowed.

**MAIN CASE**

1. Petitioner – Mahek Singh has filed criminal revision against impugned order dated 24.05.2023 passed by learned Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri, whereby interim maintenance has been granted in favour of wife Smt. Gitanjali Chauhan – respondent No. 1, minor son Vaibhav Rana – respondent No. 2 and minor



son Naman Rana – respondent No. 3 at the rate of ₹3,000/- per month, total ₹9,000/- per month from the date of filing of application i.e. 28.01.2021.

2. Brief facts of the case are Gitanjali Chauhan and her minor sons through their mother being their natural guardian filed petition under Section 125 Cr.P.C. for grant of maintenance alongwith application for grant of interim maintenance. As per facts narrated in said application under Section 125 Cr.P.C, (Annexure P-1), Gitanjali Chauhan and Mehak Singh got married on 08.03.2008 and out of this wedlock, Vaibhav was born on 12.12.2008 and Naman Rana was born on 01.10.2011. Gitanjali Chauhan levelled allegations of maltreatment and beating given to her on account of demand of dowry by her husband. Matter was referred to Panchayat several times but there was no change in behaviour of husband. Husband Mehak Singh always misbehaved and abused petitioners in filthy language. They apprehended threat to their life at the hands of respondent. Respondent Mehak Singh is allegedly doing business of transport, thus earning ₹70,000/- per month. He is also owner of agricultural land. He did not provide maintenance to his wife and school going children. Ultimately, petition was filed alongwith application for ad-interim maintenance.

3. Respondent (petitioner in this case) Mehak Singh filed reply (Annexure P-2) taking preliminary objections and denying all allegations of maltreatment or demand of dowry. It is alleged that wife is under the influence of her parents. She wanted to live separately. Due to irresponsible behaviour of wife, their relationship deteriorated. He claimed that he is doing labour work, thus earning ₹8,000/- per month. He relied upon Income Certificate issued by Department of Revenue, Rehabilitation and



Disaster Management, Government of Punjab, according to which his income is assessed as ₹96,000/- per annum. Alongwith reply (Annexure P-2), present petitioner has also placed on record affidavit of assets and liabilities (Annexure P-3).

4. Learned counsel for petitioner argued that impugned order dated 24.05.2023 is not sustainable in the eyes of law. Learned Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri failed to consider income of petitioner as assessed by Department of Revenue, Rehabilitation and Disaster Management, Government of Punjab, according to which his annual income was assessed as ₹96,000/- per annum. Petitioner has to meet all personal expenditure regarding food, clothing, transportation for which he requires sum of ₹6,000/- per month. He had borrowed money to purchase four wheeler but could not pay EMI of ₹10,515/- per month. Due to his financial condition, he is unable to pay huge amount of maintenance. He had to take loan from his friends and relatives to pay maintenance to respondents. He is having old age mother who is dependent on him. Without considering his other liabilities, learned Court has granted maintenance of ₹3,000/- per month each in favour of wife and children without any justification. It is prayed that impugned order dated 24.05.2023 may kindly be set aside and interim maintenance may be granted in favour of respondents considering his income as ₹8,000/- per month.

5. Arguments considered. Documents annexed with petition are taken into account. No purpose would be served by issuing notice to respondents, who is wife and minor children of present petitioner.



6. Learned Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri by passing impugned order dated 24.05.2023 has granted interim maintenance in favour of wife and two children at the rate of ₹3,000/- per month from the date of application which is challenged by petitioner by filing present revision. Petitioner claimed that he is doing labour work. Therefore, he is unable to pay aforesaid amount of interim maintenance. I have considered the facts mentioned in affidavit of assets and liabilities (Annexure P-3), according to which petitioner Mehak Singh is 41 years old. He is Middle pass and Driver by profession. He availed loan for purchase of four wheeler which confirms his profession. Now in present revision petition, petitioner started claiming himself doing labour work. As per affidavit, Annexure P-3, he is having mother age 60 years who requires monthly expenditure of ₹2,000/-. Petitioner has responsibility towards his immediate family. Admittedly, Gitanjali Chauhan is his wife and he is blessed with two sons namely Vaibhav age 13 years and Naman Rana age 11 years, who are school going children. Respondents need money for food, clothing and decent living. Since, minor children are school going, they need money for school fee, books, uniform, transportation etc.

In the light of this, interim maintenance granted in favour of respondents at the rate of ₹3,000/- per month each is not excessive but just sufficient for the purpose of survival.

Therefore, in the light of above, I do not find any reason to interfere in impugned order dated 24.05.2023 passed by learned Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri and same is

accordingly, upheld. Resultantly, present criminal revision filed by petitioner Mahek Singh is accordingly, dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

08.01.2025 (AMARJOT BHATTI)  
JUDGE

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