



226

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

CRR(F)-1100-2022(O&M)

Date of Decision: 04.04.2025

Ratni Devi

....Petitioner

Versus

Kanwal Singh

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Makkara, Advocate, for the petitioner.

Mr. Parveen Kaushik, Advocate, for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a revision petition filed by a lady of the age of 71 years against her husband challenging the order passed by the learned Additional Principal Judge, Family Court, Rohtak by which application under Section 125 of the Code of Criminal Procedure for grant of interim maintenance was dismissed.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner-wife was married with the respondent-husband in the year 1963 and four children were born from the wedlock out of which three were daughters who are now married and settled in their matrimonial home and son had unfortunately died. He submitted that the respondent-husband retired from Army in the year 1987 and is getting pension from the Army and is also having some property and he has not maintained the petitioner-wife even at this stage and therefore, a petition under Section 125 of the Code of Criminal Procedure was filed



in which an application for grant of interim maintenance was also filed but the same has been erroneously declined by the learned Additional Principal Judge, Family Court, Rohtak and therefore, the impugned order may be set aside and an interim maintenance may be fixed for the petitioner-wife.

3. On the other hand, learned counsel appearing on behalf of the respondent-husband submitted that the impugned order passed by the learned Additional Principal Judge, Family Court, Rohtak was fully justified and well reasoned and in accordance with law. In this regard, while referring to the impugned order, he submitted that it is a case where although the petitioner-wife and the respondent-husband were married in the year 1963 but both of them are living separately since the year 1988 and the respondent-husband took customary divorce from petitioner-wife in the year 1991 and gave Rs. 50,000/- cash and jewellery towards past, present and future maintenance and thereafter, the petitioner-wife got re-married. He submitted that although the respondent-husband is also drawing pension but at the same time the petitioner-wife is drawing widow pension from the Army and therefore, learned Additional Principal Judge, Family Court, Rohtak has rightly denied the interim maintenance. He submitted that the source of income pertaining to both the parties, although respective affidavits were filed but the same can be ascertained at the time of passing of the final order under Section 125 of the Code of Criminal Procedure.

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

5. It is a dispute between the petitioner-wife who is stated to be of the age of 71 years and her husband who is respondent in the present petition. The present is a revision petition filed by the petitioner-wife against the order passed by the learned Additional Principal Judge, Family Court,



Rohtak by which interim maintenance was declined. A perusal of the impugned order would show that both the petitioner-wife and the respondent-husband had married in the year 1963 and their daughters are also married. As per the impugned order it was the stand taken by the respondent-husband that when he retired from Army then the petitioner-wife deserted him and the respondent-husband took customary divorce from the petitioner-wife in the year 1991 and gave Rs.50,000/- cash and jewellery etc. towards past, present and future maintenance. In this way, from the year 1991 they have been living separately which is almost 35 years. It was after a gap of more than 30 years that a petition under Section 125 of the Code of Criminal Procedure was filed. She had been maintaining herself for the aforesaid period of more than 30 years on the basis of a pension which she was drawing. The pension was at one place stated to be a widow pension and another place stated to be an old age pension. This Court would not go into this aspect as to whether the petitioner-wife was drawing widow pension or old age pension because the same can be seen only at the time of adducing evidence when the main petition under Section 125 of the Code of Criminal Procedure is to be considered but at the same time it is not in dispute by both the learned counsels for the parties that the petitioner-wife is drawing pension from the Army by whatever nomenclature it is. The respondent-husband is also an old person which according to the learned counsel for the respondent-husband is about 77 years. Learned Additional Principal Judge, Family Court, Rohtak while considering the application for grant of interim maintenance considered all the aforesaid aspects and thought it fit to not grant interim maintenance because it was not a case where the petitioner-wife is not earning anything but here she was getting pension from the Army.



This Court is of the considered view that the present is a revision petition and the scope of a revision petition is very limited. The observations made by the learned Additional Principal Judge, Family Court, Rohtak in the impugned order do not seem to be perverse. This Court has not been able to identify any ground to show that there is any illegality or perversity in the order passed by the learned Additional Principal Judge, Family Court, Rohtak while deciding the application for grant of interim maintenance especially in view of the fact that the petitioner-wife was getting pension from the Army and she has moved an application for the grant maintenance and interim maintenance after a lapse of more than 30 years of separation.

6. Consequently, the present revision petition is dismissed.

04.04.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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