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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR(F)-1225-2024 (O&M)  
Date of decision: 03.02.2025

ROHTASH

...Petitioner(s)

VERSUS

NISHA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mohan Singh Rana, Advocate for the petitioner.

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**JASGURPREET SINGH PURI, J. (Oral)**

**CRM-38711-2024**

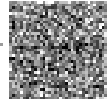
Prayer in this application is for condonation of delay of 28 days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 28 days in filing the present revision petition, is hereby condoned.

**CRR(F)-1225-2024**

1. The present revision petition has been filed for setting aside the impugned judgment dated 20.05.2024 passed by the learned Principal Judge, Family Court, Palwal, vide which the respondent-wife has been granted maintenance of Rs.5,000/- per month.

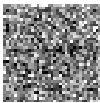
2. Learned counsel for the petitioner submitted that the petitioner and the respondent got married on 19.11.2018 and no child was born out of the said



wedlock. He further submitted that after some time, a matrimonial discord took place between the parties and although endeavour was made to settle the dispute but the respondent filed a petition under Section 125 Cr.P.C. for grant of maintenance. He further submitted that the petitioner-husband is not earning anything, whereas the respondent-wife was working as a Nurse in Guru Nanak Hospital, Palwal and earning Rs.30,000/- per month and therefore, she does not require any maintenance but still the learned Principal Judge, Family Court, Palwal has granted maintenance of Rs.5,000/- per month to the respondent-wife, which is liable to be set aside.

3. I have heard the learned counsel for the petitioner.

4. It is a case where the respondent-wife had filed a petition under Section 125 Cr.P.C. for grant of maintenance and the petitioner-husband filed reply to the aforesaid petition but did not adduce any evidence and was rather proceeded *ex-parte* after filing the reply. The learned Principal Judge, Family Court, Palwal observed that so far as the relationship between the petitioner and the respondent is concerned, the same is an admitted position. So far as the income of the petitioner-husband is concerned, when the case was fixed for evidence of the petitioner, he failed to appear and he was proceeded *ex-parte* and the case was posted for *ex-parte* evidence. It has come on the record that there is no independent source of income of the respondent-wife from anywhere whereas, the petitioner-husband is working as a Helper in Siri Ram Finance Company and is earning an amount of Rs.14,935/-. Considering the aforesaid facts and circumstances, the learned Principal Judge, Family Court, Palwal has granted maintenance of Rs.5,000/- per month to the respondent-wife, which is almost 1/3<sup>rd</sup> of the total income of the petitioner.



5. After hearing the learned counsel for the petitioner and perusing the impugned judgment passed by the learned Principal Judge, Family Court, Palwal, this Court is of the considered view that no illegality or perversity can be found in the impugned judgment dated 20.05.2024. It is a settled law that it is the duty of the husband to maintain his wife and so far as the quantum of maintenance so fixed is concerned, the same is only 1/3<sup>rd</sup> of the total income of the petitioner-husband and therefore, there is no ground to make any intervention.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

(JASGURPREET SINGH PURI)  
JUDGE

03.02.2025  
Chetan Thakur

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