



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

107

CRR(F)-1226-2025(O&M)

Date of Decision: 27.08.2025

Smt. Rajni Devi

...Petitioner(s)

Versus

Gurmail Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**Present:- Mr. Surinder Dagar, Advocate for the petitioner.**

KIRTI SINGH, J. (Oral)

1. The present revision petition has been preferred against order dated 05.06.2025 passed by learned Principal Judge, Family Court, Gurugram vide which the maintenance petition filed by the petitioner has been dismissed and in view of that interim order of maintenance also stands vacated.

2. The brief facts of the case are that the marriage between the petitioner and respondent No. 1 was solemnised on 26.10.2008 according to Hindu rites and ceremonies and one issue was born from the said wedlock. A matrimonial dispute ensued between the couple and the petitioner filed a petition under Section 125 Cr.P.C. for seeking maintenance. The respondent filed a reply and contested the claim made by the petitioner. The learned Family Court vide order dated 05.06.2025 dismissed the application for maintenance filed by the petitioner. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.



3. Learned counsel for the petitioner contends that the impugned order has been passed by wrongly accepting the claim of adultery pertaining to an incident dating back to August 2020, levelled against the petitioner by the respondent. It is submitted that that reliance on the statements of respondent witnesses was wrongly placed while dismissing the petition for maintenance, since not only did the same not prove the Allegations levelled against the petitioner, but also had material contradictions, which were overlooked by the Court. Even the photographs produced before the Court, objection on which was duly raised, do not in any manner corroborate the claim raised by the respondent. It is further submitted that the petitioner though is well qualified, however, due to illness, is not able to work; whereas the respondent is working in a company and his salary is about Rs.90,629/- per month which was duly proved by the salary slip for the month February 2025 relied upon by the petitioner. Thus, in view of these submissions, it is prayed that the impugned order be set aside and the petitioner be granted maintenance.

4. The present petition is being decided *in limine* in order to save litigation cost to the respondent and also to save the judicial time of the Court. Having heard the learned counsel for the petitioner, and after perusing the record, this Court does not find any merit in the submissions so advanced.

5. The object and purpose behind granting maintenance is to ensure that the dependent spouse and children are not reduced to destitution or vagrancy on account of failure of marriage or any other unfortunate circumstance. The Courts are required to conduct the maintenance



proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India.

6. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375***, speaking through Justice Fatima Beevi, opined that as follows:

“3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife.”

7. A two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria v. State of Gujarat (1996) 4 SCC 479***, speaking through Justice Faizan Uddin, opined as follows:

“15. ... While dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation.”

8. The rival claimants must scrupulously bring on record their



actual respective earning capacities in order for the Court to arrive at quantum of maintenance which is just and fair in terms of principle of equistatus. The quantum of maintenance must be justifiable and realistic to provide succour to the dependent spouse and also to avoid occurrence of the two extremes of the maintenance being either paltry or extravagant, ensuring that neither of the two is reduced to a life of penury. The adequacy of the maintenance allowance has to be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable comfort.

9. While dealing with the issue of maintenance *in extenso*, a two Judge bench of the Hon'ble Supreme Court in ***Rajnesh v. Neha and another (2021) 2 SCC 324***, laid down the criteria for determining quantum of maintenance and issued the following directions:

VI Final Directions

130. In view of the foregoing discussion as contained in Part B -1 to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India:

(a) Issue of overlapping jurisdiction

131. To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

(i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding:

(ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the



subsequent proceeding;

(iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding

(b) Payment of Interim Maintenance

132. The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court / District Court / Magistrates Court, as the case may be, throughout the country.

(c) Criteria for determining the quantum of maintenance

133. For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B III of the judgment.

134. The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.

(d) Date from which maintenance is to be awarded

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above.

(e) Enforcement/Execution of orders of maintenance

136. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28A of the Hindu Marriage Act, 1956; Section 20(6) of the D.V. Act; and Section 128 of Cr.P.C may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC more particularly Sections 51, 55, 58, 60 r.w. Order XXI."

10. A perusal of the impugned order passed by the learned Family Court makes it evident that the Court below has duly considered the material placed before it at the time of deciding the application for maintenance. All the pleas raised herein had already been addressed by the learned Family



Court in the impugned order. After confirming the factum of marriage between the parties, the Court proceeded to further adjudicate on the allegation that the petitioner had been living in adultery in the premises of the respondent from where he and the minor daughter had been turned out, for which statements of respondent witnesses, including RW-2 Ashok (land lord) and RW-3 government witness, were taken into account. After analyzing all the evidence, the Learned Court held that the incident dated 23.08.2020, as alleged, stood proved against the petitioner. It was observed that the petitioner had not filed any application seeking the husband to join her company, nor had made any efforts to meet her minor daughter. On the contrary, she had even rented out a portion of the house of the respondent where she was living. It was further observed that the occurrence of the incident dated 23.08.2020 stood substantiated by way of testimonies of respondent witnesses. It was thereafter, after a thorough analysis of the evidence on record, it was held that the allegations of adultery stood proved against the wife, and thus she was not entitled to receive maintenance from the husband. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court. Accordingly, the present petition is dismissed being bereft of any merit.

11. Pending miscellaneous application(s), if any, also stand(s) disposed of.

27.08.2025
Kapil

(KIRTI SINGH)
JUDGE

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