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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-1464-2024 (O&M)

Date of decision: 05.05.2025

BHUPENDER SHARMA

...Petitioner(s)

VERSUS

PREETI AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Naresh Kumar Chhokar, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

CRM-45739-2024

Prayer in this application is for condonation of delay of 10 days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 10 days in filing the present revision petition, is hereby condoned.

CRR(F)-1464-2024

1. The present revision petition has been filed for setting aside the order dated 08.08.2024 passed by the learned Additional Principal Judge, Family Court, Faridabad, vide which interim maintenance has been granted to respondent No.1-wife to the tune of Rs.6,000/- per month and respondent No.2-minor son, who is now of the age of about 1 year to the tune of Rs.4,000/- per month, totalling Rs.10,000/- per month.



2. Learned counsel for the petitioner submitted that the aforesaid impugned order is liable to be set aside in view of the fact that even as per the affidavit, which was filed by the petitioner-husband before the learned Additional Principal Judge, Family Court, Faridabad pertaining to declaration of his assets and liabilities, his total income is only Rs.9,000/- per month, although he is a skilled person but considering his income, the aforesaid amount of interim maintenance which has been fixed is on the excessive side and he is not liable to pay the aforesaid interim maintenance to the respondents. He further submitted that the petitioner-husband is also having other liabilities and therefore, he is unable to pay the aforesaid amount of interim maintenance and has prayed that the aforesaid impugned order may be set aside. He further submitted that the factum of marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that respondent No.2-minor son, who is now of the age of about 1 year is born out of the said wedlock and is under the care and custody of respondent No.1-wife. He further submitted that at the most, the petitioner-husband could have been made liable for interim maintenance for his minor son and not for his wife because she is herself a Graduate and is running a boutique and as per the allegations made by the petitioner-husband before the learned Additional Principal Judge, Family Court, Faridabad, respondent No.1-wife is earning Rs.40,000/- per month and therefore, to that extent at least, the aforesaid impugned order may be set aside because the petitioner-husband is not liable to pay any interim maintenance to respondent No.1-wife.



3. Learned counsel for the petitioner also submitted that the petitioner-husband has filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, which would show that respondent No.1-wife has withdrawn from the society of the petitioner-husband and the said petition is still pending and therefore, the petitioner-husband is not bound to maintain respondent No.1-wife.

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

5. The marriage between the petitioner and respondent No.1 took place on 16.01.2017 and the same is not in dispute and it is also not in dispute that respondent No.2-minor son, who is now of the age of about 1 year is born out of the said wedlock and is under the care and custody of respondent No.1-wife. The learned Additional Principal Judge, Family Court, Faridabad has awarded interim maintenance to respondent No.1-wife to the tune of Rs.6,000/- per month and respondent No.2-minor son, who is now of the age of about 1 year, to the tune of Rs.4,000/- per month, totalling Rs.10,000/- per month. A perusal of the aforesaid impugned order would show that as per the affidavit filed by the petitioner-husband pertaining to declaration of his assets and liabilities, he has stated his income to be Rs.9,000/- per month but at the same time, the learned Additional Principal Judge, Family Court, Faridabad also considered the Canara Bank account statement of respondent No.1-wife, wherein some meagre amount had been shown to have been deposited to the extent of Rs.3,000/- to Rs.5,000/-, except for two entries of Rs.25,000/- and Rs.24,000/- from where only inference could have been drawn that respondent No.1-wife might have been earning some



meagre income by doing some odd job but there is no evidence on record to show that respondent No.1-wife has any substantial source of income.

6. On the other hand, so far as the petitioner-husband is concerned, the learned Additional Principal Judge, Family Court, Faridabad considered the fact that although in the affidavit filed by the petitioner-husband, he has shown his income to be Rs.9,000/- per month and he has also placed on record his bank account statement of Kotak Mahindra Bank, wherein there are several credit entries of Rs.32,000/-, Rs.36,000/- per month as well as several regular entries of deposit in the account but no explanation has been furnished by the petitioner-husband with regard to the source of the aforesaid deposits. The aforesaid amounts of Rs.32,000/- per month and Rs.36,000/- per month have been shown to have come by way of NEFT from Information T.V. Rather it was the case of respondent No.1-wife that the petitioner-husband is working as an Animation Expert in India TV News and as per respondent No.1-wife, the income of the petitioner-husband was about Rs.70,000/- per month, apart from he working in a workshop. On the basis of the aforesaid monthly deposits which have come in the bank account of the petitioner-husband, the learned Additional Principal Judge, Family Court, Faridabad for the purpose of considering the quantum of grant of interim maintenance observed that *prima facie* the petitioner-husband is a skilled person and would be earning around Rs.30,000/- to Rs.35,000/- per month. On the other hand, respondent No.1-wife was shown to be having no source of income at all and at the same time, she is having the care and custody of respondent No.2-minor son of the age of 1 year.



In this way, the learned Additional Principal Judge, Family Court, Faridabad has awarded the aforesaid interim maintenance of Rs.6,000/- per month to respondent No.1-wife and Rs.4,000/- per month to respondent No.2-minor son, totalling Rs.10,000/- per month.

7. An argument was raised by the learned counsel for the petitioner that so far as respondent No.2-minor son of the age of 1 year is concerned, the petitioner-husband may be liable to pay the interim maintenance but for respondent No.1-wife, he was not liable to pay the aforesaid amount of interim maintenance on the ground that she herself was working and the petitioner-husband has no such means to pay especially considering the fact that he has various other liabilities as well. However, it has come on record by way of the aforesaid impugned order that rather huge entries have come on monthly basis in the bank account of the petitioner-husband despite the fact that he has so stated in the affidavit that his income is only Rs.9,000/- per month and those entries have come on monthly basis by way of transfer from Information T.V. regarding which respondent No.1-wife has alleged that the petitioner-husband is working as an Animation Expert in India TV News and in this way, for the purpose of considering the grant of interim maintenance, the income of the petitioner has been presumed to be around Rs.30,000/- to Rs.35,000/- per month, although the main petition under Section 125 Cr.P.C is still pending.

8. The aforesaid argument raised by the learned counsel for the petitioner is fallacious in view of two reasons. Firstly, as per the bank statement of the petitioner-husband which he himself has tendered before the learned Additional Principal Judge, Family Court, Faridabad, his income exceeds



Rs.30,000/- per month, although in his affidavit, he has so stated his income to be only Rs.9,000/- per month and the authenticity of the same can be seen at the time of trial as to whether the aforesaid affidavit filed by the petitioner-husband was right or wrong. Secondly, even if assumingly for the sake of arguments, the income of the petitioner-husband was only Rs.9,000/- per month, even then he was bound to maintain his wife and minor son and his liability is not only legal and statutory but also social, economic and moral liability to maintain his wife, who is shown to be not working and not having any source of income at all. Mere allegations and the stand taken by the petitioner-husband before the learned Additional Principal Judge, Family Court, Faridabad at the time of consideration of interim maintenance that respondent No.1-wife is having some boutique will not be sufficient unless there is an evidence to prove the same. Otherwise also the amount of Rs.6,000/- per month has been directed to be paid by the petitioner-husband to respondent No.1-wife as interim maintenance and by no stretch of imagination it can be said to be on the higher side considering the inflationary tendencies and price structure these days. Rather this Court is of the view that the present revision petition filed by the petitioner-husband challenging the interim maintenance of only Rs.10,000/- per month i.e. Rs.6,000/- per month to respondent No.1-wife and Rs.4,000/- per month to respondent No.2-minor son is vexatious and with a motive to perpetuate litigation against the wife and minor son.

9. So far as the argument raised by the learned counsel for the petitioner that the petitioner-husband has filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, which is still



pending and respondent No.1-wife has withdrawn from the society of the petitioner is concerned, this Court is of the considered view that the same can always be seen at the time of final adjudication of the main petition under Section 125 Cr.P.C. and therefore, the aforesaid ground itself cannot become a ground for denial of interim maintenance to respondent No.1-wife.

10. The scope of revision petition is always very limited and particularly when challenge has been laid to an interim order only. The facts and circumstances of the present case suggest that there is no illegality or perversity in the impugned order dated 08.08.2024 passed by the learned Additional Principal Judge, Family Court, Faridabad.

11. Consequently, the present revision petition is hereby dismissed with Rs.20,000/- (Rupees Twenty Thousand) as costs. The petitioner is directed to deposit the aforesaid costs before the Court of learned Additional Principal Judge, Family Court, Faridabad, within a period of three months from today. On his depositing the aforesaid costs, the learned Additional Principal Judge, Family Court, Faridabad shall transmit the aforesaid amount in the name of respondent No.2-minor son by way of either fixed deposit through his mother, or by depositing the amount in the name of minor son in any suitable Government Scheme or whichever method is most beneficial and suitable for the minor son as per wisdom of the learned Additional Principal Judge, Family Court, Faridabad.

12. The learned Additional Principal Judge, Family Court, Faridabad shall also ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in case the same is not done, then the learned



Additional Principal Judge, Family Court, Faridabad shall recover the same from the petitioner in accordance with law.

13. A copy of this order be sent to the learned Additional Principal Judge, Family Court, Faridabad.

14. Miscellaneous applications, if any, shall also stand disposed of since the main case has been dismissed.

05.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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