

CRR(F)-1095 of 2019 (O&M)

2025:PHHC:099353



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

CRR(F)-1095 of 2019 (O&M)

Date of decision: 04.08.2025

Ravi Kumar

.....Petitioner

Versus

Monika and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Chand Ram Olla, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been preferred by the petitioner impugning the order dated 11.10.2019, passed by learned Principal Judge, Family Court, Hisar, whereby while allowing the petition filed by the respondent-wife under Section 125 Cr.P.C., petitioner has been directed to pay maintenance of Rs.5,000/- per month to respondent No.1-wife and Rs.1,000/- per month to respondent No.2-minor son from the date of filing of the petition.

2. Brief facts of the case are that marriage between the petitioner and respondent No.1 was solemnised on 21.11.2007 and out of the said wedlock one son i.e. respondent No.2 was born on 02.09.2008. However, relationship between the petitioner and respondent No.1 turned sour, as a result of which the respondent filed a petition under Section 125 Cr.P.C. seeking grant of maintenance. The Family Court, vide impugned order dated 11.10.2019, allowed the said

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petition and directed the petitioner to pay maintenance of Rs.5,000/- per month to respondent No.1-wife and Rs.1,000/- per month to respondent No.2-minor son from the date of filing of the petition. Dissatisfied with the impugned order, petitioner has approached this Court.

3. Learned counsel for the petitioner contended that the petitioner has wrongly been burdened with liability to pay maintenance to the respondents as respondent No.1-wife had herself left the matrimonial home without the consent of the petitioner. He further contended that the Family Court failed to appreciate the fact that respondent No.1 is a qualified lady having a B.Ed. degree and that she is imparting tuitions at home as well as working in a private company, thereby earning a handsome amount. In contrast, the petitioner is employed as a computer operator and earns a meagre amount of Rs.9,000/- per month. He further submitted that father of the petitioner, who is dependent upon petitioner, is suffering from paralysis. Learned counsel contended that maintenance of Rs.6,000/- per month granted to the respondents is on the higher side and beyond the petitioner's financial capacity as respondent No.1 had herself voluntarily left the company of the petitioner and has been living separately without any sufficient reason, therefore, she is not entitled to any maintenance from the petitioner.

4. I have heard learned counsel for the petitioner and perused the record.



5. The relationship of husband and wife between the parties is not in dispute in the present case. However, due to differences between them, their relationship has hit the rough weather, as a result of which, the respondent filed a petition under Section 125 Cr.P.C. seeking maintenance from the petitioner. In the said proceedings, the petitioner was directed to pay Rs.6,000/- per month as maintenance from the date of filing of the petition as maintenance to the respondents.

6. The object and purpose behind granting maintenance is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other spouse. The Courts are required to conduct the maintenance proceedings while remaining 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.

7. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375*** opined 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

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the supply of food, clothing, and shelter to the deserted wife."

8. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria v. State of Gujarat (1996) 4 SCC 479*** 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."

9. Another objective the legislature has sought to achieve by this provision is to provide maintenance *pendente lite* to the applicant spouse during proceedings emerging out of matrimonial disputes so that she/he can maintain herself/himself, have sufficient funds to pursue the litigation, and not suffer at the instance of the affluent spouse.

10. There is a general tendency on the part of the wife to amplify her needs and on the part of the husband to conceal his actual income, making it difficult to determine the earning capacity of the rival claimants with exactitude. The rival claimants must scrupulously bring on record their actual respective earning capacities in order for



the Court to arrive at a quantum of maintenance which is just and fair in terms of principle of equistatus. The quantum of maintenance must be justifiable and realistic so as to provide succour to the dependent spouse and also to avoid occurrence of the two extremes of the maintenance being either paltry or extravagant thereby 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 enabling the dependent spouse to lead a life of reasonable comfort.

11. Petitioner, an able-bodied person employed as a computer operator on D.C. rates at E-Diksha Centre, Fatehabad, earning approximately Rs.11,643/- per month, is legally and orally bound to maintain his legally-wedded wife, who is unable to sustain herself and is presently dependent on her parents. It is well-settled that a wife is entitled to live in the same standard as she enjoyed in her matrimonial home and the husband cannot be absolved of this obligation unless she possesses sufficient means for survival. Grant of maintenance in such circumstances is necessary to prevent destitution and vagrancy, ensuring she is not reduced to burden on her family.

12. Moreover, this Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond the jurisdiction vested in them or (ii) have not exercised the same diligently or (iii) have exercised it illegally.



13. 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 for determining the quantum of maintenance. A careful and just balance has been drawn, keeping in view the spiralling inflation rates and high cost of living, corresponding to the reasonable needs of the respondents. Learned counsel for the petitioner has not been able to point out any perversity in the impugned order, which would warrant interference by this Court. Accordingly, the present petition is dismissed, being bereft of any merit.

04.08.2025			(NAMIT KUMAR)
R.S.			JUDGE
	Whether speaking/reasoned	:	Yes/No
	Whether Reportable	:	Yes/No