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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-1624-2024(O&M)
Date of Decision: 25.03.2025

Naveen Khatri @ Naveen

....Petitioner

Versus

Kamlesh Kumari and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuljit Singh, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed challenging the order dated 09.10.2024 passed by learned Principal Judge Family Court, Camp Court, Abohar, District Fazilka vide which interim maintenance has been granted to the tune of Rs. 10,000/- per month to respondent No.1-wife and to the tune of Rs. 5,000/- per month to respondent No.2-minor daughter, who is of the age of 1 ½ years.

2. The petitioner in the present case is the husband and respondent No.1 is his wife. Respondent No.2 is a minor daughter of tender age of 1½ years only. On an application filed for the grant of interim maintenance under Section 125 of the Code of Criminal Procedure, the learned Family Court has granted an interim maintenance of Rs. 15,000/- per month i.e Rs. 10,000/- per month for respondent No.1-wife and Rs. 5,000/- per month for respondent No.2-minor child. The petitioner has challenged the aforesaid order by which interim maintenance has been granted.



3. Learned counsel appearing on behalf of the petitioner submitted that it is a case where although as per the affidavits furnished by both the parties in pursuance of the directions of Hon'ble Supreme Court in ***Rajnesh versus Neha and another, (2021) 2 SCC 324***, the respondent-wife is shown to be having no source of income and at the same time, the petitioner is working as a Stenographer and admittedly is drawing a salary of Rs. 45,000/- per month but he is not liable for payment of the interim maintenance because as per his affidavit, he has to pay an amount of Rs.12,000/- per month as house rent and also installments against the loan which he has taken and therefore, learned Family Court was not justified in awarding interim maintenance to the respondent-wife and the child and therefore, the impugned order may be set aside.

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

5. It is a case where learned Family Court has granted interim maintenance to respondent No.1-wife to the tune of Rs. 10,000/- per month and to respondent No.2-minor female child of the age of 1 ½ years to the tune of Rs. 5,000/- per month. The petitioner has come up before this Court by filing the present revision petition challenging the order of interim maintenance only. A perusal of the impugned order would show that respective affidavits were filed by both the parties. Learned counsel for the petitioner has not disputed that the respondent-wife has got no source of income as per her affidavit but she being an educated lady was having some source of income drawn out of tuition fee, although there is nothing placed on record regarding the same. During the course of arguments, learned counsel for the petitioner also submitted that as per his affidavit, he was earning an amount of Rs. 45,000/- per month as salary because he is working as Stenographer in Selection Center North. However, the only argument of learned counsel for the petitioner is that



he has to pay house rent of Rs. 12,000/- per month and also installments of loan which he has taken.

6. This Court will therefore consider two aspects. Firstly, the quantum of interim maintenance and secondly, as to whether the petitioner ought to have perpetuated the litigation by filing the present revision petition or not and what is the consequence thereof

7. So far as the first aspect is concerned, a perusal of the impugned order and also the submissions of learned counsel for the petitioner, it is crystal clear that the petitioner was admittedly drawing a salary of Rs. 45,000/- per month. The respondent-wife is shown to be having no source of income. The marriage between the parties is not in dispute. A female child of the age of 1½ years born out of the wedlock is also not in dispute. It is also not in dispute that respondent No.2-minor daughter of the age of 1½ years is in the care and custody of respondent No.1-wife. In the given facts and circumstances by no stretch of imagination it can be said that the aforesaid fixation of interim maintenance of Rs. 15,000/- per month i.e Rs. 10,000/- per month for the respondent-wife and Rs. 5,000/- per month for respondent No.2-minor child can be said to be erroneous or on the higher side. Therefore, fixation of the interim maintenance by the learned Family Court is absolutely justified not only legally but also morally, socially and economically. It is the duty of the husband who is working and earning money to maintain his wife and a daughter of the age of 1½ years. The law is to such an extent that even if the husband is not working still he is bound to pay maintenance because he is legally, socially and morally bound to maintain his wife and child. However, in the present case rather the



petitioner is working and he is earning Rs. 45,000/- per month. The mere fact that he has to pay rent or installments of loan which he has taken is insignificant and irrelevant for the purpose of fixation of interim maintenance for the wife and the child.

8. So far as the second aspect is concerned, the petitioner has filed the present revision petition challenging an order of interim maintenance. This Court is of the considered view that in the given facts and circumstances of the present case it has only amounted to perpetuating litigation by the petitioner-husband. It appears that the petitioner is ill-advised to file the present revision petition because *ex facie* no ground is made out at all under any circumstance for interference by this Court especially when the scope of the revision petition is very limited and also in view of the fact that the impugned order is only an interim order.

9. In view of the aforesaid facts and circumstances of the present case, the present revision petition is hereby dismissed with Rs.20,000/- as costs. The aforesaid costs shall be deposited by the petitioner before the Court of learned Principal Judge Family Court, Camp Court, Abohar, District Fazilka. within a period of three months from today and on his depositing the aforesaid amount, the learned Court shall transmit the same to the respondent-wife forthwith. The learned Family Court shall 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 Family Court shall recover the same from the petitioner in accordance with law. In case the aforesaid amount of costs is still not deposited by the petitioner then learned



Family Court shall send a report to this Court and on receipt of the same,
the Registry of this Court shall list this case before this Court.

25.03.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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