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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-1600-2024 (O&M)
Date of decision: 14.01.2025

KASHMIR

...Petitioner(s)

VERSUS

SUMAN

...Respondent(s)

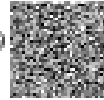
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ritesh Tomar, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J.

1. The present revision petition has been filed challenging the order dated 24.10.2024 passed by the learned Additional Principal Judge, Family Court, Faridabad, whereby an application filed by the respondent-wife for interim maintenance under Section 125 Cr.P.C. was allowed and the petitioner-husband was directed to pay an amount of Rs.10,000/- per month to the respondent-wife towards interim maintenance from the date of filing of the application till the date of passing of the impugned order and an amount of Rs.12,000/- per month from the date of passing of the impugned order till final disposal of the main case along with an amount of Rs.11,000/- as litigation expenses.

2. Learned counsel for the petitioner submitted that the petitioner, who is the husband is not having sufficient means to pay the aforesaid interim maintenance to the respondent-wife, which has been granted by the learned

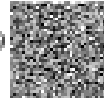


Additional Principal Judge, Family Court, Faridabad and the same is on the higher side and therefore, the same may be reduced. He further submitted that the respondent-wife is a well educated lady having a Diploma of three years in Electronics and Communication after 12th Class and she is therefore, liable to maintain herself and is not entitled for grant of any interim maintenance and the aforesaid ground has been ignored by the learned Additional Principal Judge, Family Court, Faridabad and a huge amount of interim maintenance has been fixed, which the petitioner is unable to pay. He also submitted that false allegations have been levelled by the respondent-wife against the petitioner in the aforesaid application which can be rebutted at the time when final decision is taken on the application filed under Section 125 Cr.P.C.

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

5. It is a case where the respondent-wife had filed an application under Section 125 Cr.P.C. for grant of interim maintenance against the petitioner-husband and the learned Additional Principal Judge, Family Court, Faridabad granted interim maintenance to the respondent-wife till the pendency of the main petition to the extent of Rs.10,000/- per month to the respondent-wife towards interim maintenance from the date of filing of the application till the date of passing of the impugned order and Rs.12,000/- per month from the date of passing of the impugned order till the main petition is decided along with Rs.11,000/- as litigation expenses.

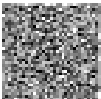
6. The petitioner-husband in terms of the judgment of Hon'ble Supreme Court filed an affidavit and as per the record, he is earning Rs.28,000/- per month and he is working as Multi Tasking Staff (MTS) in the Ministry of Defence. The marriage of the petitioner with the respondent is not disputed and



rather it is an admitted position by the petitioner that he is working as Multi Tasking Staff (MTS) in the Ministry of Defence and is earning Rs.24,628/- per month. Learned Additional Principal Judge, Family Court, Faridabad has also recorded that as per the salary slip of the petitioner, his gross monthly salary is shown to be Rs.47,979/- and his net monthly salary is shown to be Rs.30,508/- and therefore, his monthly income has been considered to be Rs.30,508/- for the purpose of computation of interim maintenance.

7. On the other hand, the respondent-wife is stated to be a well educated lady and having a Diploma of three years in Electronics and Communication after 12th Class but she is not having any income because she is not working anywhere. In this way, the respondent-wife is not having any regular source of income and there is no evidence led by the petitioner to show that the respondent-wife is earning to maintain herself. Learned Additional Principal Judge, Family Court, Faridabad has granted interim maintenance only and the main petition is still pending and the interim maintenance is only to the extent of Rs.10,000/- per month to the respondent-wife towards interim maintenance from the date of filing of the application till the date of passing of the impugned order and Rs.12,000/- per month from the date of passing of the impugned order till the decision of the main petition along with Rs.11,000/- as litigation expenses

8. After hearing the learned counsel for the petitioner, this Court is of the considered view that it is an admitted position that the petitioner, who is the husband is working as Multi Tasking Staff (MTS) in the Ministry of Defence and is earning Rs.30,508/- per month, whereas there was nothing on the record to show that the respondent-wife is working anywhere or earning anything. The



aforesaid amount of interim maintenance fixed by the learned Additional Principal Judge, Family Court, Faridabad cannot be considered to be excessive by any stretch of imagination. Even otherwise also, it is only an interim maintenance, which has been fixed and therefore, this Court does not find any ground to interfere in the findings which have been recorded by the learned Additional Principal Judge, Family Court, Faridabad in the order dated 24.10.2024 by fixing of the aforesaid amount as interim maintenance to the respondent-wife.

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

(JASGURPREET SINGH PURI)
JUDGE

14.01.2025
rakesh

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