



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR(F)-11-2025 (O&M)

Date of Decision:-26.05.2025

Japinder Pal Singh

.....Petitioner

Versus

Navneet Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Akhilesh Vyas, Advocate for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

1. The present revision petition has been filed by the petitioner-husband challenging the order dated 04.11.2024 passed by the learned Additional Principal Judge, Family Court, Amritsar, whereby maintenance of Rs.6,000/- per month was awarded to respondent No.1 (wife) and Rs.4,000/- per month to respondent No.2 (minor daughter) who is of the age of about 09 years and was about 1 and ½ years of age at the time of filing of petition under Section 125 of Cr.P.C.

2. Learned counsel for the petitioner submitted that it is a case where marriage between the petitioner and respondent No.1 took place on 07.06.2015 and thereafter on 06.03.2016, respondent No. 2 (a female child) was born out of the wedlock and neither the marriage between the petitioner and respondent No. 1 nor the fact that the female child was born out of the wedlock is in dispute. A matrimonial dispute took place between the parties



and they started residing separately. In the year 2018, a petition was filed by respondent No. 1 (wife) and respondent No. 2, who was about 1½ years of age at that point of time, under Section 125 of Cr.P.C. against the petitioner for grant of maintenance.

3. Learned counsel for the petitioner further submitted that as per the impugned order, the learned Additional Principal Judge, Family Court, Amritsar, has granted the aforesaid total maintenance amount of Rs. 10,000/- per month (i.e., Rs. 6,000/- + Rs. 4,000/-), which is not sustainable in view of the fact that as per the impugned order and the affidavit which was filed by the petitioner before the learned Additional Principal Judge, Family Court, Amritsar, the income of the petitioner is only Rs.10,000/- because he is doing some work at a marble shop. He further submitted that there are erroneous findings of fact by the learned Judge, Family Court, that the petitioner is the owner of one marble shop under the name and style of B.S. Khalra Trading Co., whereas he is not the owner of the aforesaid shop and in fact his father is the owner of the shop. Therefore, his income is restricted only to the extent of Rs. 10,000/- per month, whereas the total maintenance has been granted to the tune of Rs. 10,000/- per month for the wife and minor daughter, which is also on the higher side. Therefore, on this ground, the impugned order is liable to be set aside. He has also submitted that he has instructions to state that so far as the maintenance which has been granted to the respondent-child is concerned, he will not dispute the same nor does he wish to press the aforesaid prayer against the female child. However, so far as the respondent-wife is concerned, he submitted that she was working in a bank at the time of marriage but later relinquished her job and started private work of tuition etc.



Although the same could not be proved on record but she certainly has her own source of income and therefore on this ground as well, the impugned order is liable to be set aside .

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

5. The marriage between the petitioner and respondent No.1 which took place on 07.06.2015, is not in dispute. It is also not in dispute that a female child was born out of the wedlock on 06.03.2016 and she is in the care and custody of respondent No.1-wife. Respondent No. 1-wife and respondent No. 2-minor child filed the petition under Section 125 of Cr.P.C. for grant of maintenance. It was the case of respondent No.1 that she was serving in a bank on a temporary basis and was earlier drawing a salary of Rs. 11,000/- per month, regarding which she had not concealed anything but at the same time, she had so stated that when she was working in the bank, the petitioner had visited the bank a number of times, entered the office premises and created ugly scenes. Due to the compelling circumstances, she had left the job. It was thereafter in the year 2016 that the aforesaid female child was born on 06.03.2016. Thereafter, although the parties separated from each other but there was nothing on record to show that respondent No. 1-wife was working or had any source of income, nor was the petitioner able to place anything on record to substantiate that respondent No. 1-wife was still working and having some income from tuition work etc. At the same time, so far as the present petitioner is concerned, he has shown his income to be Rs. 10,000/- in his affidavit pertaining to disclosure of his assets and liabilities. It was the case of respondent No. 1 (wife) that the petitioner is earning an amount of



Rs. 50,000/- per month at least from the marble business, which was a family business under the name and style of M/s B.S. Khalra Trading Company. However, the petitioner-husband has stated that he was not the owner of the aforesaid firm as his father was the owner and in this way the disclosure of the income of the petitioner-husband was only to the extent of Rs. 10,000/-.

6. It was the argument raised by learned counsel for the petitioner that once the income of the petitioner was only Rs. 10,000/- and he was not the owner of the aforesaid M/s B.S. Khalra Trading Co., then the aforesaid amount of fixation of maintenance of Rs. 10,000/- per month is not sustainable and is rather on the higher side because the petitioner is not able to pay the same.

7. The learned Additional Principal Judge, Family Court, Amritsar, on the basis of law laid down by the Hon'ble Supreme Court in ***Rajnish v. Neha, 2021 (2) SCC 324***, other judgments and also on the basis of the affidavits filed by the parties, came to the conclusion that there was nothing which was brought on record to show that respondent No. 1 (wife) was working in any private firm or had any tuition centre etc., whereas on the other hand, the petitioner was working in the aforesaid firm which was in his father's name. Although the petitioner disclosed his income as Rs. 10,000/- per month but for the purpose of quantifying maintenance, his income was assessed at Rs. 25,000/- to Rs. 30,000/- per month

8. The argument which was raised by learned counsel for the petitioner that since the income of the petitioner is shown to be only Rs. 10,000/- per month, how would he be able to pay the aforesaid amount of maintenance to respondent No. 1-wife and respondent No. 2-minor daughter



to the extent of Rs. 10,000/- is concerned, the same argument is absolutely unsustainable and is liable to be rejected at the threshold. Although it has come on record that the petitioner is also having a family business with his father under the name of M/s B.S. Khalra Trading Company, which is in the name of his father and the petitioner has shown his income to be Rs. 10,000/-, but at the same time, even assumingly for the sake of arguments, his income is only restricted to Rs. 10,000/-, that would still not mean that the petitioner can escape from his liability for maintaining his wife and minor daughter who was about 1½ years of age at the time of filing the petition under Section 125 of Cr.P.C. and who is now about 9 years old.

9. The law with regard to the aforesaid aspect is now well settled. Hon'ble Supreme Court in **Anju Garg & Anr. V. Deepak Kumar Garg, 2022 SCC Online SC 1314**, dealt with this issue and held that if a husband is an able-bodied man and even if he is not having any source of income, still he is bound to maintain his wife and minor children. Although the income of the petitioner was presumed to be Rs. 25,000/- to Rs. 30,000/- as per the impugned order but assuming for the sake of argument that it is Rs.10,000/-, still in view of the judgment of the Hon'ble Supreme Court in **Anju Garg's case (supra)**, the petitioner is fully liable to pay the maintenance amount to his wife and minor child. The relevant portion of the aforesaid judgment in the case of **Anju Garg's (supra)** is reproduced as under:-

10. This Court had made the above observations as the Court felt that the Family Court in the said case had conducted the proceedings without being alive to the objects and reasons and the spirit of the provisions under [Section 125](#) of the Code. Such an impression has also been gathered by this Court in the case on



hand. The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even by physical labour, if he is an able-bodied and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute. In [Chaturbhuj vs. Sita Bai](#)², it has been held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing and shelter by a speedy remedy. As settled by this Court, [Section 125 Cr.P.C.](#) is a measure of social justice and is specially enacted to protect women and children. It also falls within the Constitutional sweep of [Article 15\(3\)](#), reinforced by [Article 39](#) of the Constitution of India”

10. During the course of arguments, learned counsel for the petitioner has submitted that he does not wish to press his claim against respondent No. 2 (minor daughter), to whom the maintenance of Rs. 4,000/- per month has been fixed. In this way, now in the present revision petition, the claim is only against respondent No. 1 (wife), against whom the maintenance of Rs. 6,000/- has been fixed in the petition filed under Section 125 of Cr.P.C. Therefore, the question would be as to whether the aforesaid amount of Rs. 6,000/- per month is either perverse or on the higher side or not. Taking into consideration the facts of the present case, where the respondent-wife is not earning any amount of money nor was the petitioner able to prove on record that she had any source of income, then the petitioner is not only under the legal obligation under Section 125 of Cr.P.C. to maintain his wife but he also has moral, social and economic responsibilities towards his wife. The mere fact that



earlier at the time of marriage she was working on a contract basis or temporary basis in a bank but thereafter left the job before the female child was born, would not mean that because she was earlier working in a bank, she was disentitled to the grant of maintenance. Therefore, so far as the grant of maintenance to respondent No. 1-wife is concerned, there is no illegality or perversity in the order passed by the learned Additional Principal Judge, Family Court, Amritsar.

11. So far as the quantum of maintenance of Rs. 6,000/- fixed for the respondent-wife who has no source of income and the petitioner being an able-bodied man, is concerned, it cannot by any stretch of imagination be said that the amount of Rs.6,000/- is on the higher side. In today's time, considering the inflationary tendencies and the costs of living and more particularly when the respondent-wife is having the care and custody of a female child of the age of 09 years who must also have started going to school, the argument raised by learned counsel for the petitioner with regard to the quantum of Rs. 6,000/- for the respondent-wife is absolutely unsustainable and is outrightly rejected.

12. Consequently, the present revision petition is dismissed with Rs. 20,000/- as costs. The petitioner is hereby directed to deposit the aforesaid costs before the Court of learned Additional Principal Judge, Family Court, Amritsar within a period of three months from today. On his depositing the aforesaid costs, the learned Additional Principal Judge, Family Court, Amritsar, shall give the aforesaid amount to the minor child by way of any suitable fixed deposit through her mother, or by depositing the amount in the name of girl child in any suitable Government Scheme such like Sukanya



Samriddhi Yojna etc. or whichever method is most beneficial and suitable for a girl child as per wisdom of the learned Additional Principal Judge, Family Court, Amritsar.

13. The learned Additional Principal Judge, Family Court, Amritsar 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, Amritsar 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 Additional Principal Judge, Family Court, Amritsar 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.

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

(JASGURPREET SINGH PURI)
JUDGE

26.05.2025

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No