IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Revision (FC) No.85 of 2026
Decided on: 02.11.2026

Vikramaditya ... Petitioner

Versus

Kanchan ... Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the petitioners: Mr. Sumeet Raj Sharma, Senior Advocate, with Mrs. Ritu Raj Sharma, Advocate.

Ajay Mohan Goel, Judge (Oral)

By way of the present petition, the petitioner has assailed the order passed by the learned Court below dated 01.07.2026, in terms whereof, in a petition preferred by the respondent under Section 144 of the BNSS, 2023, for grant of maintenance, the learned Court below has awarded an amount of Rs.4,000/- as monthly maintenance and Rs.8,000/- as litigation expenses.

2. Having heard the learned Senior counsel for the petitioner and having perused the order under challenge, we are of the considered view that the same does not call for any interference.

3. The sole ground raised before us by the learned Senior Counsel was that the petitioner was not having any means to pay the maintenance. This aspect of the matter has already been taken into consideration by the learned Court below and relevant portion of the judgment is being quoted by us hereinbelow:-

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

"*28. There is no evidence to show that the petitioner has any independent source of income. Although she admitted that she knows stitching and embroidery work, she has clarified that she only stitches her own clothes. There is no evidence that she is running any commercial establishment or is employed as a tailor or in any embroidery workplace. Thus there is also no evidence that she has any independent source of livelihood.*

29. The respondent is an able-bodied person. He has a sister suffering from polio, but he is under a legal obligation to maintain his wife when she has no sufficient means to maintain herself. Even in the absence of exact proof of income. a reasonable guess can be made where the person is able-bodied. As per his own affidavit, he claims to be earning about ₹8,000-9,000 per month. Considering the prevailing minimum wages for an unskilled person 12,750 per month and his earning capacity due to his age and good health, he cannot be believed to be earning less than the minimum wages of an unskilled person. The needs of an adult woman towards food, clothing, and other day-to-day necessities also needs to be kept in view. The petitioner is living at her parental house and has no immediate requirement of accommodation, the maintenance is assessed excluding any provision for accommodation. She shall be free to seek an order like the residence order if required in future by recourse to appropriate proceedings.

30. For the purpose of food, clothes and other necessities, a sum of 4,000 per month appears to be just and reasonable, particularly when the petitioner has shelter available at her parental house. This also leaves the respondent with sufficient funds for himself and for other

dependent member of the family."

4. As it could not be demonstrated before us that the findings which have been returned by the learned Court below while awarding an amount of Rs.4,000/- per month as maintenance in favour of the respondent are perverse findings and are not borne out from the record of the case, according to us, no case is made out so as to interfere with the order passed by the learned Court below, as the amount that has been awarded is a very meager amount.

5. In light of the above observations, the petition is dismissed, so also pending miscellaneous application(s), if any.

(Ajay Mohan Goel)
Judge

(Romesh Verma)
Judge

November 02, 2026
(Rishi)