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

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CRR(F)-373-2026 (O&M)
Date of decision: 11.03.2026

PARKASH CHANDER

PETITIONER

VERSUS

SUMAN AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Sanjiv Kumar Aggarwal, Advocate
(through video conferencing) and
Mr. A.V.S. Parmar, Advocate
for the petitioner.

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Shalini Singh Nagpal, J. (Oral)

1. Order dated 06.02.2026 of learned Additional Principal Judge, Family Court, Hisar awarding maintenance of ₹35,000/- per month to respondent No.1 along with ₹5,500/- as litigation expenses, has been assailed in the present revision petition.

2. For clarity and better appreciation, parties shall be referred as husband, wife and child.

3. The petition under Section 125 Cr.P.C. was filed by the wife claiming maintenance allowance for herself and the minor son, averring that her marriage was solemnized on 05.06.2001 at District Bhiwani, according to Hindu rites and ceremonies. Out of the wedlock, two children were born. Petitioner No.2, the son was residing with the wife while her daughter was residing with the husband. Despite sufficient amount spent in the marriage and sufficient dowry articles given, the husband was dissatisfied and subjected her to cruelty, beatings and harassment in connection with dowry demands. The wife established a school known as Barwala Public School, a 10+2 institution constructed on $3\frac{1}{2}$ acres of land by dint of her hard labour.

There were 700-800 students in the school where she worked as Principal for 8 to 10 years and the husband worked as the President of the School. She had no concern with the finances of the school which earned approximately ₹2 Crores per annum. She was repeatedly beaten up by the husband and subjected to extreme cruelty. Allegations were levelled on her character. Complaints were made in this regard to the police authorities. The wife had no independent source of income as she had never drawn salary while serving as Principal while the husband was earning ₹10,00,000/- per annum from the school and from other sources. He owned a *Mahindra XUV* car and had sufficient movable and immovable properties. Thus, the wife and the child were entitled to ₹1,00,000/- per month.

4. The husband contested the petition. Written statement was filed raising various preliminary objections, denying allegations of cruelty, dowry demands, harassment, beatings etc. It was stated that the wife was highly educated, she worked as Principal of Barwala Public School and was earning sufficient amount from tuitions and other educational services. From the very beginning of marriage, her act and conduct towards the husband and his family members was arrogant. She had thrown his mother out of the house, leading to serious disputes in the family and voluntarily left the matrimonial home in May 2021 along with her belongings. Later, she removed household articles to another house.

5. Both the parties filed their respective affidavits of assets, income and liabilities. From the pleadings of the parties, following issues were settled vide order dated 13.05.2022:

> *"i) Whether the petitioners are entitled to maintenance from the respondent, if so what should be the quantum of maintenance? OPP*
>
> *ii) Relief."*

6. The wife examined herself as PW1, her son-Ashu Punia as PW2 and placed on record documents, Ex.P1 to P9. The husband, on the other hand, examined his daughter as RW1 and tendered Ex.R1-copy of petition under Section 125 Cr.P.C. filed by her and her grandmother claiming maintenance allowance from the wife, copy of FIR No.923 dated 12.11.2021 under Sections 354-A/354-D/506 IPC, Police Station Barwala. He also examined Babu Lal Singla, Branch Manager, State Bank of India, Mill Gate Road, Hisar who placed on record Ex.R3-account statement of the wife w.e.f. 01.04.2021 to 02.07.2025 and letter Ex.R4. The husband too appeared in the witness box as RW3 and also brought various on record.

7. Learned counsel for the petitioner submits that learned Additional Principal Judge, Family Court, Hisar failed to assess income of the petitioner before directing the husband to pay maintenance allowance at the rate of ₹35,000/- per month to the wife and without considering the fact that the petitioner had the liability of maintaining his daughter. As per income tax return for the year 2020-21 of the husband, his monthly income was less than ₹30,000/- per month which was not taken into consideration. It was argued that the income tax returns filed by the wife for assessment year 2020-21 recorded annual income of more than ₹4,73,780/-. The wife had already received ₹70,00,000/- by sale of a property and was neither destitute nor was leading a life of penury. The interim maintenance application in the domestic violence case filed by the wife had been dismissed. It was argued that Section 125 Cr.P.C. was not meant for the wives who were able-bodied and could themselves earn. Thus, the impugned order deserved to be set aside.

8. Relationship of the parties is not in dispute. The parties were married on 05.06.2001 and were living together till March, 2021.

Undisputedly, the wife is well qualified, M.A. in Political Science. She has not withheld that for 8 to 10 years, she was working as Principal in Barwala Public School, a 10+2 institution constructed on $3\frac{1}{2}$ acres of land catering to 700-800 students. Undisputedly, the husband is the President of the school. On the basis of the pleadings, the evidence led and the documents available on record, learned Family Court, Hisar concluded that both the husband and the wife had been jointly running the school. Though, the wife claimed that she never received any salary, it was the stand of the husband that she was paid her due salary every month. Learned counsel for the husband has placed on record copy of income tax returns of the wife for the Assessment Year 2020-21 recording her total income as ₹4,73,780/-. There is, however, nothing to show that the books of accounts of the school were produced in evidence before learned Family Court to prove that the wife was earning salary for her assignment as Principal in Barwala Public School. Had she been paid any salary/remuneration, there would have been no difficulty for the husband to produce the records from his own school. The income tax returns placed on record by the husband in the absence of proof of payment of salary to the wife cannot be said to reflect her true income ***(vide Kiran Tomar Vs. State of Uttar Pradesh 2022 SCC OnLine SC 1539).***

9. Learned Family Court, Hisar has rightly observed that the issue before the Court was not whether the wife was receiving any salary while working as Principal or not. No evidence was led by the husband to prove his claim that the wife was earning sufficiently by imparting tuitions and education. In the absence of such evidence, no presumption could have been drawn that the wife was gainfully employed and was able to maintain herself. In ***Rajnesh Vs. Neha (2021) 2 SCC 324***, Hon'ble Apex Court ruled

that even if the wife is earning, it cannot operate as a bar from being awarded maintenance by the husband.

10. What transpires from the record is that both the husband and the wife were jointly running the school where the wife was working as the Principal and the husband as the President of the Barwala Education Society. They were not drawing any salary though both of them were filing income tax returns. Annexures P-3 to P-6 i.e. income tax returns of the husband for the Assessment years 2017-18 to 2020-21 cannot be taken as true reflection of the income of the husband when the income tax returns of Barwala Education Society for the Assessment year 2020-2021 Ex.P2 shows the approximate annual income of the Society to be ₹72,00,000/-. Learned Family Court, Hisar has, on a keen appraisal of the evidence led, correctly noticed that the husband was living a luxurious life. He had purchased two cars i.e. *Tata Harrier* in the name of his daughter and *Tata Tiago* in the years 2023 and 2024 showing that he had sufficient financial resources to lead a comfortable and luxurious life and to sponsor a car worth ₹15,00,000/- for his daughter.

11. Impugned order is not vitiated only for the reason that learned Family Court, Hisar has not assessed the income of the husband. The observation that the wife, living separately from the husband, should be provided maintenance to enable her to live with the same dignity and comfort she was used to during the subsistence of cordial relationship cannot be faulted. Considering that the husband is wealthy, the amount of maintenance assessed for wife i.e. ₹35,000/- per month cannot be said to be unconscionable or perverse so as to warrant interference of this Court in revision.

12. The argument that the wife had recently acquired ₹70,00,000/- from sale of property is not borne out from the record. Though, learned Family Court has made a reference to sale of a joint property by the husband and the wife, it has been observed that the sale consideration was divided equally between them. In any case, in the absence of the precise amount received by the petitioner from sale of the property, no inference can be drawn that she is possessed of sufficient amount to maintain herself comfortably in the manner she was accustomed to while she was living in the matrimonial home.

13. There is neither illegality nor any patent error in the impugned order requiring exercise of revisional jurisdiction. The petition is, accordingly, dismissed.

14. Pending miscellaneous applications, if any, also stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

11.03.2026
HS.CHAUHAN

Whether Speaking/Reasoned : *Yes/No*
Whether Reportable : *Yes/No*