

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(251)

CRR(F) No. 426 of 2022 (O&M)

Date of Decision: 11.5.2026

Sahib Singh

.....Petitioner

Versus

Manjeet Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

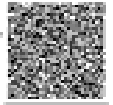
Present: Mr. Deepak Kumar, Advocate
for the petitioner.

Mr. Harshdeep Singh Dhillon, Advocate
for the respondents.

KIRTI SINGH, J. (ORAL)

1. The present revision petition has been preferred against the order dated 25.10.2021 passed by learned Principal Judge, Family Court, Ambala, whereby the petition filed by the respondents under Section 125 of the Cr.P.C. was partly allowed, and maintenance @ Rs. 14,000/- per month was awarded to respondent No. 1.

2. The brief facts of the case are that the marriage between the petitioner and the respondent No. 1 was solemnized on 18.2.2001, as per Hindu religious rites and ceremonies. Out of the said wedlock two children i.e. respondents No. 2 and 3 was born. A matrimonial dispute ensued between the couple and the respondents filed a petition under Section 125 Cr.P.C. for seeking maintenance. The petitioner filed a reply and contested the claim made by the respondents. The learned Family Court vide order dated 25.10.2021 granted maintenance to the tune of Rs. 14,000/- per month to the respondent-wife. Aggrieved by the same, the petitioner has

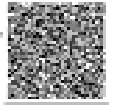


3. Learned counsel for the petitioner submits that the respondent-wife is not entitled for any maintenance as she had herself left the company of the petitioner without any sufficient cause and that too in the year 2018 i.e. after 18 years of their marriage. The petitioner had tried his best to maintain respondent No. 1 but she refused to live with him. Furthermore, the respondent-wife was also seeing another person. However, the learned Family Court, while passing the impugned order has overlooked the abovesaid factual aspects, and has wrongly allowed the maintenance to the respondent-wife, that too on the higher side. Thus, in view of these submissions, the respondents are not entitled to any maintenance amount from the petitioner.

4. *Per contra*, the learned counsel for the respondents has opposed the present petition.

5. I have heard the learned counsel for the parties and perused the judicial file.

6. The object and purpose behind granting maintenance is to ensure that the dependent spouse and children are not reduced to destitution or vagrancy on account of failure of marriage or any other unfortunate circumstance. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India.



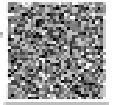
7. A three-Judge Bench of the Hon'ble Supreme Court in **Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375**, speaking through Justice Fatima Beevi, opined that as follows:

“3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife.”

8. A two-Judge Bench of the Hon'ble Supreme Court in **Kirtikant D. Vadodaria v. State of Gujarat (1996) 4 SCC 479**, speaking through Justice Faizan Uddin, opined as follows:

“15. ... While dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation.”

9. The rival claimants must scrupulously bring on record their actual respective earning capacities in order for the Court to arrive at quantum of maintenance which is just and fair in terms of principle of equistatus. The quantum of maintenance must be justifiable and realistic to provide succour to the dependent spouse and also to avoid occurrence of the two extremes of the maintenance being either paltry or extravagant, ensuring that neither of the two is reduced to a life of penury. The adequacy of the maintenance allowance has to be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable comfort.



Judge bench of the Hon'ble Supreme Court in ***Rajnesh v. Neha and another*** (2021) 2 SCC 324, laid down the criteria for determining quantum of maintenance and issued the following directions:

“VI Final Directions

130. In view of the foregoing discussion as contained in Part B -1 to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India:

(a) Issue of overlapping jurisdiction

131. To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

- (i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding;
- (ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;
- (iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.

(b) Payment of Interim Maintenance

132. The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court / District Court / Magistrates Court, as the case may be, throughout the country.

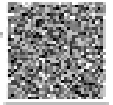
(c) Criteria for determining the quantum of maintenance

133. For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B III of the judgment.

134. The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.

(d) Date from which maintenance is to be awarded

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above. (e) Enforcement/Execution of orders of maintenance 136. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28A of the Hindu Marriage Act,



1956; Section 20(6) of the D.V. Act; and Section 128 of Cr.P.C may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC more particularly Sections 51, 55, 58, 60 r.w. Order XXI."

11. A perusal of the impugned order passed by the learned Family Court makes it evident that the Court below has duly considered the material placed before it at the time of deciding the application for maintenance. All the pleas raised herein had already been addressed by the learned Family Court in the impugned order. The learned Family Court after ascertaining the relations between the parties, observed that the petitioner while appearing in the witness box as RW-1 had admitted that he was having income of Rs. 61,000/- per month. Moreover, no material had come forth to establish that the respondent-wife had sufficient means to maintain herself and their two children who were in her care and custody. It was further recorded that the petitioner had not led any cogent evidence to establish that the respondent-wife was having any illicit relations. Therefore, in view of these observations, the status of the parties and the income of the petitioner, quantum of maintenance @ Rs. 14,000/- per month to the respondent-wife was fixed. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court.

11. Accordingly, the present revision petition is dismissed being bereft of any merit.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 11th, 2026
Gurpreet Singh

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