



CRR(F)-756-2026 (O&M)

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

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**CRR(F)-756-2026 (O&M)
Date of decision: 13.05.2026**

SADHU SINGH**PETITIONER****VERSUS****SEHAJDEEP SINGH****RESPONDENT****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Sumeetpal Singh Sidhu, Advocate
for the petitioner.

Shalini Singh Nagpal, J.

1. Judgment dated 11.02.2026 of learned Additional Principal Judge, Family Court, Bathinda awarding ₹2,500/- per month to the respondent besides litigation expenses of ₹11,000/- has been assailed in this petition.

2. For clarity and better appreciation, parties shall be referred as father, mother and minor child.

3. The petition under Section 125 Cr.P.C. was filed by the minor child aged three years against his father claiming maintenance of ₹10,000/- per month, alleging that the father had neglected, deserted and refused to maintain him. The father was able-bodied working as property dealer earning ₹30,000/- per month.

4. The father appeared and opposed the petition filing reply. He claimed that his marriage with mother of the child was dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 vide judgment and decree dated 14.11.2018 of learned District Judge, Bathinda. In that case, a sum of ₹1,40,000/- was paid to the mother as one-time settlement of permanent alimony i.e. past, present and future maintenance.

Thus, nothing remained due to be paid. Neither the child nor his mother was



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entitled to claim any kind of maintenance from the father, who remained unwell and had no other movable or immovable property, whereas, mother of the minor child was earning more than ₹15,000/- per month.

5. The minor child examined his mother as AW1 and brought on record documents Ex.A1 to Ex. A16 pertaining to medical bills, school fees etc. The father on the other hand, examined himself as RW1 and tendered in evidence Ex.R1 and Ex.R2 the copy of judgment and decree dated 14.11.2018 of learned District Judge, Bathinda in the joint petition under Section 13-B of the Hindu Marriage Act, 1955 and Ex.R3 to Ex.R6 being medical records of the father.

6. The only argument addressed by learned counsel for the father is that the father, already having paid up ₹1,40,000/- to mother of the minor child, was absolved of his liability to pay maintenance allowance, yet learned Additional Principle Judge, Family Court, Bathinda illegally awarded maintenance of ₹2,500/- per month.

7. Copy of judgment dated 14.11.2018 of learned District Judge, Bathinda in case titled "*Sarabjeet Kaur Vs. Sadhu Singh*" is on record. Indeed, the father (respondent in that case) paid up ₹1,40,000/- to the child's mother towards her past, present and future maintenance, it was also agreed upon between parties that the minor child would remain in custody of the mother, who would be responsible to maintain and keep him.

8. The right of a minor child to claim maintenance from his/her father is not open to challenge and it is the responsibility of the father to maintain him/her, even when the mother has means to support them. The obligation of the father to maintain the minor child is primary, absolute, continuous and non-negotiable. Even if the mother is well capable of maintaining the child, the father cannot avoid his moral and statutory

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obligation. The sum of ₹1,40,000/- paid to mother of the minor child was towards her past, present and future maintenance. Notwithstanding the payment to the mother, the liability of the father to maintain the minor child would subsist, even if it had been agreed between the parties that the mother alone would be liable to maintain the child. The wife cannot contract away the right of maintenance of the minor child. The minor child, who was 03 years of age at the time of filing of the petition in the year, 2021 would now be 08 years of age. He would require sufficient amount for expenditure on his nourishment, education, medicines, entertainment, coaching etc. The award of maintenance allowance by learned Family Court, Patiala i.e. ₹2,500/- per month to the minor child is already on the lower side, not amenable to further reduction. The plea of the father that he is a daily wager, suffering from various ailments appears to be a routine one and does not merit acceptance. There is nothing on record to show that the father is unhealthy and physically disabled from earning. No ground for interference in the impugned order is made out. The petition, accordingly, stands dismissed.

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

(SHALINI SINGH NAGPAL)
JUDGE

13.05.2026
HS. CHAUHAN

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No