

**CRR(F)-1769-2025 (O&M)**

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111**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRR(F)-1769-2025 (O&M)****Date of decision 05.05.2026****PARAMJIT SINGH****...PETITIONER****V/S****RAJWINDER KAUR****...RESPONDENT****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

**********SHALINI SINGH NAGPAL J.**

1. Prayer in the revision petition is to set aside judgment dated 15.09.2025 of learned Principal Judge, Family Court, Amritsar, vide which petitioner was directed to pay maintenance of Rs.5000/- per month to the respondent.
2. For clarity and better appreciation, parties shall be referred to as husband and wife.
3. A petition under Section 125 Cr.P.C. was filed by the estranged wife alleging that the parties were married on 17.09.2005 at Gurudwara Sahib, Amritsar according to Sikh rites and rituals. Out of the wedlock, two children Kanwaljit Singh and Baljit Kaur were born. From the very beginning of marriage, the wife was harassed, humiliated, subjected to mental and physical torture. She was not given any respect and was not provided with food and medicines. She was abused and treated harshly. The husband was habitual of consuming intoxicants and physically tortured her



under the influence of liquor. He made her life hell. She was forcibly sent to the parents' home. The wife had no source of income whereas the husband a man of means. At the time of retirement from Railways, he received Rs.40,00,000/-. He also had fixed deposits from which he was deriving income. His monthly income was more than Rs.80,000/- per month. Rs.40,000/- per month was claimed as maintenance, besides litigation expenses of Rs.33,000/-.

4. The husband contested the petition, filed written statement raising various preliminary objections denying the allegations of harassment and cruel treatment and ouster from the matrimonial home.

5. The wife examined herself as PW1 and Balwinder Kaur as PW2 and closed her evidence.

6. The husband examined himself as RW1 and Kuldeep Singh as RW2.

7. Learned counsel for the husband submits that the award of Rs.5,000/- per month to the wife was excessive as she was running a boutique earning Rs.45,000/- per month. She was also owner of movable and immovable properties. The amount of Rs.5,000/- per month being unreasonable and exorbitant, deserved to be reduced.

8. Grant of maintenance to wife has been perceived as a measure of social justice by the Apex Court. In **Chaturbhuj V. Sita Bai, (2008) 2 SCC : (AIR 2008 SC 530)**, it has been ruled that:

*“Section 125, CrPC is a measure of social justice and is specially enacted to protect women and children and as noted by this Court in **Captain Ramesh Chander Kaushal V. Veena Kaushal (1978) 4 SCC 70 : (AIR 1978 SC 1807)**, falls within*



constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India. It 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. It gives effect to fundamental rights and nature duties of a man to maintain his wife, children and parents when they are unable to maintain themselves”.

9. The aforesaid position was highlighted in ***Savitaben Somabhai Bhatiya V. State of Gujarat (2005) 3 SCC 636 : (AIR 2005 SC 1809)***. This being the position in law, it is the obligation of the husband to maintain his wife. He cannot be permitted to plead that he is unable to maintain his wife due to financial constraints as long as he is capable of earning.

10. In ***Shamima Farooqui vs. Shahid Khan (2021) 2 SCC 324 (2015) 5 SCC 705***, Hon'ble Supreme Court of India observed that the inherent and fundamental principle behind Section 125 Cr.P.C. is the amelioration of the financial state of affairs as well as the mental agony and anguish that a woman suffers when she is compelled to leave her matrimonial home. It was further observed that, as per law, she is entitled to lead life in a similar manner as she would have lived in the house of her husband and as long as she is held entitled to grant of maintenance within the parameters of Section 125 Cr.P.C., it has to be adequate so that she can live with dignity. Lastly, it was noted that, a plea is sometimes advanced by the husband that he does not have the means to pay as he does not have a job or his business is not doing well, but these are only bald excuses and, in fact, they have no acceptability in law as a husband, who is healthy, able-



bodied and in a position to support himself is under a legal obligation to support his wife and her right to receive maintenance under Section 125 Cr.P.C., unless disqualified, is an absolute right.

11. Relationship of the parties is admitted. The husband has a moral, legal and statutory duty to maintain the wife who is incapable of maintaining herself. The object of maintenance proceedings is not to punish the husband for his neglect but to prevent a destitute wife leading a life of vagrancy and penury, by providing her an allowance for her food, shelter, clothing etc. speedily. The object is to provide sustenance in order to enable the wife, to lead life in a manner similar to what she was used to while living with the husband.

12. The husband is a retired employee of the Railways Department. It is his admitted stand that he is drawing pension of Rs.50,000/- per month and was owner of two houses. Learned Family Court, while assessing maintenance allowance has considered that the husband was maintaining both children and was bearing their educational expenses. Learned counsel for the petitioner could not bring to the Court's notice any material to show that the wife was running a boutique earning Rs.45,000/- per month. Considering the liabilities of the husband and his income as also the minimum requirements of the wife, a sum of Rs.5,000/- per month only has been awarded to the wife which is already too meagre. There is no ground to further reduce the amount in the exercise of revisional jurisdiction.

13. The revision petition is dismissed.

14. Pending miscellaneous application(s), if any, stand disposed of.

05.05.2026	(SHALINI SINGH NAGPAL)	
Sumit Singla	JUDGE	
	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>