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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-1406-2023 (O&M)

Date of decision: 26.05.2025

PARMINDER SINGH @ PALWINDER SINGH

...Petitioner(s)

VERSUS

JASHANDEEP SINGH

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Tekwinder Singh Rai, Advocate
for the petitioner.

Mr. Amit Kaushik, Advocate
for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the judgment dated 31.01.2023 passed by the learned Principal Judge, Family Court, Rupnagar, vide which maintenance under Section 125 Cr.P.C. has been granted to the respondent-minor son to the tune of Rs.4,000/- per month.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner-father is working as a labourer and although he was not able to produce anything on record with regard to his income because he was proceeded *ex parte* but at the same time, there was a panchayati divorce between the petitioner and his wife in the year 2013 vide Annexure P-1, in which it was so decided that the son of the petitioner, who is the respondent in the present case and was of the age of 4 years at that point of time will reside



with the petitioner-father after 1½ years of the date of the execution of aforesaid panchayati divorce but the mother of the respondent-minor son, who is the wife of the petitioner is not giving the custody of respondent-minor son to the petitioner-father and in fact, the wife of the petitioner has now re-married after the aforesaid panchayati divorce. He also submitted that the petitioner-father being a simple labourer is not able to pay the aforesaid amount of maintenance to the respondent-minor son and therefore, the aforesaid impugned judgment may be set aside.

3. On the other hand, learned counsel for the respondent submitted that the relationship between the petitioner-father and respondent-minor son is not in dispute and so far as the aforesaid quantum of maintenance of Rs.4,000/- per month which has been fixed for respondent-minor son is concerned, the same is rather on the lower side because the aforesaid amount of maintenance of Rs.4,000/- per month for a school going child was not reasonable and has therefore prayed for the dismissal of the present petition. He also submitted that the respondent-minor son is suffering from Polio.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner-father has filed the present revision petition challenging the judgment dated 31.01.2023 passed by the learned Principal Judge, Family Court, Rupnagar, whereby maintenance under Section 125 Cr.P.C. has been granted to the respondent-minor son to the tune of Rs.4,000/- per month. At the time of filing the petition under Section 125 Cr.P.C., the respondent-minor son was of the age of 10 years. The marriage between the petitioner and mother of the respondent-minor son took place on



17.10.2007 and the respondent-minor son was born out of the said wedlock on 16.09.2009. Learned counsel for the petitioner referred to some panchayati divorce (Annexure P-1) to show that the petitioner and his wife had parted ways by way of aforesaid panchayati compromise and thereafter, his wife has re-married. As per the aforesaid panchayati compromise, the wife of the petitioner was to give the custody of the respondent-minor son to the petitioner-father after 1½ years from the date of the execution of the compromise but the same was not done. However, this Court is of the considered view that so far as the aforesaid panchayati compromise (Annexure P-1) of which the learned counsel for the petitioner has referred to as a panchayati divorce is concerned, the same has got no legal sanctity and it cannot be treated as a substitute for a decree of divorce. As per the learned counsels for the parties, the wife of the petitioner i.e. mother of the respondent-minor child has already re-married. The mere fact that the custody of the respondent-minor son was not handed over to the petitioner-father would not mean that the petitioner-father can escape the liability of maintaining his minor son.

6. Apart from the above, the petitioner-father did not choose to lead any evidence and rather was proceeded *ex parte*. On the other hand, the mother of the respondent-minor son had rather led evidence, whereby the expenditure of the respondent-minor son was shown on school fee, van fee and disability certificate of the respondent-minor son was also placed on the record. It has also come on the record and as per the learned counsels for the parties, the respondent-minor son is also suffering from Polio and the aforesaid amount of maintenance of Rs.4,000/- per month has been fixed for him. Therefore,



considering the aforesaid totality and circumstances of the present case, no illegality or perversity can be found in the aforesaid impugned judgment dated 31.01.2023 passed by the learned Principal Judge, Family Court, Rupnagar. Even otherwise also, the present is a Revision Petition filed by the petitioner-father regarding which the scope is very limited.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. Miscellaneous applications, if any, shall also stand disposed of since the main case has been dismissed.

(JASGURPREET SINGH PURI)
JUDGE

26.05.2025
Chetan Thakur

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