



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

237

**CRR(F)-97-2021(O&M)  
Date of decision: 18.03.2025**

**JASKARAN SINGH**

**....Petitioner**

**Versus**

**AMANDEEP KAUR AND ANOTHER**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present : Mr. Ajeet Pal Singh Pakka, Advocate for the petitioner.

\*\*\*\*\*

**KIRTI SINGH. J.(Oral)**

1. The present petition has been preferred against order dated 04.02.2021 passed by learned Principal Judge, Family Court, Sirsa, in the proceedings under Section 125 of the Cr.P.C., whereby final maintenance of Rs.15,000/- per month was awarded in favour of the respondents.

2. The marriage between the petitioner and the respondent No.1 was solemnized in the year 2010 according to the Sikh rites and ceremonies at Sirsa and out of the said wedlock one child namely Jaskeerat Singh (respondent No.2) was born and he is in the care and custody of respondent No.1. A matrimonial dispute ensued between the couple, whereafter the respondents filed a petition under Section 125 Cr.P.C. for seeking maintenance. The petitioner initially appeared through his counsel and both parties were referred for mediation, but when the same failed, there was no appearance on behalf of the petitioner and he was proceeded *ex parte*. Thereafter, the learned Court below vide order dated 04.02.2021 granted interim maintenance of Rs.15,000/- per month in favour of the respondents. Aggrieved by the same, the petitioner has approached this Court by



- 2-

filing the present petition.

3. Learned counsel for the petitioner *inter alia* contends that a compromise was earlier effected between the parties, whereafter the petitioner had been taking care of the respondents. He further contends that the petitioner is drawing a salary of Rs.25,000/- per month and is also burdened with a personal loan. Hence, the respondents should not be granted maintenance in view of Section 125 Cr.P.C.

4. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner.

5. The object and purpose behind granting interim maintenance is to ensure that the dependent spouse and children are not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other spouse. 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.

6. 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.”

7. 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.”

8. Another objective the legislature has sought to achieve by this provision is to provide interim maintenance pendente lite to the applicant spouse during proceedings emerging out of matrimonial disputes so that the she/he can maintain herself/himself, have sufficient funds to pursue the litigation, and not suffer at the instance of the affluent spouse.



- 4-

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

10. While dealing with the issue of maintenance in extenso, a two Judge bench of the Hon'ble Supreme Court in ***Rajnish 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;*



- 5-

*(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."*



- 6-

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 final maintenance. It was duly recorded by the learned Court that though there was no document on record to substantiate the claim of respondent No.1-wife that the petitioner-husband was earning Rs.40,000/- per month as claimed by her, but at the same time it was also observed by the Court that the contents of the said petition were in knowledge of the husband and yet no reply to rebut the claims of the wife was made, which is why he was proceeded ex parte. It was also noted that as per a compromise executed earlier between the parties, the petitioner-husband has agreed to pay 1/3rd of his salary to respondent No.1-wife. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court. Accordingly, the present petition is dismissed being bereft of any merit.

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

18.03.2025

Kavita

**(KIRTI SINGH)**  
**JUDGE**

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No