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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR(F)-585-2025 (O&M)  
Date of decision: 25.04.2025

HARINDERJIT SINGH

...Petitioner(s)

VERSUS

GURMEET KAUR AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. B. R. Rana-I, Advocate  
for the petitioner.

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**JASGURPREET SINGH PURI, J. (Oral)**

**CRM-16364-2025**

Prayer in this application is for condonation of delay of 86 days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 86 days in filing the present revision petition, is hereby condoned.

**CRR(F)-585-2025**

1. The present revision petition has been filed for setting aside the order dated 22.10.2024 passed by the learned Principal Judge, Family Court, Bathinda, vide which interim maintenance has been granted to respondent No.1-wife to the tune of Rs.10,000/- per month, respondent No.2-minor son, who is of the age of 9 years to the tune of Rs.5,000/- per month and respondent



No.3-minor daughter, who is of the age of 2 years to the tune of Rs.5,000/- per month, totalling Rs.20,000/- per month.

2. Learned counsel for the petitioner submitted that it is a case where the marriage between the petitioner and respondent No.1 was solemnized on 25.11.2011 at Bathinda and out of the said wedlock, two children were born, who are under the care and custody of respondent No.1-wife and regarding which there is no dispute. He further submitted that on the basis of the respective affidavits filed by both the parties pertaining to declaration of their assets and liabilities in terms of the judgment passed by Hon'ble Supreme Court in **Rajesh versus Neha and another, (2021) 2 SCC 324**, it has come on the record that the educational qualification of respondent No.1-wife is MCA (IT) but she mentioned her income as Nil regarding which the petitioner could not place on record any document to dispute this claim, at this stage, but respondent No.1-wife is educationally qualified and instead of doing any work, she filed a petition under Section 125 Cr.P.C. for grant of maintenance. He further submitted that so far as the petitioner-husband is concerned, he in his affidavit has stated that he is working as B. M. H. S. Homeopathic Medical Officer on contractual basis and his monthly salary is Rs.64,668/- after deducting TDS and CPF but at the same time, he also disclosed that he has various other liabilities including house loan, two personal loans and is paying EMIs with regard to the same and apart from the above, he is also paying some money on account of Postal Life Insurance in his name. He also submitted that the aforesaid total interim maintenance of Rs.20,000/- per month granted to the respondents is on a higher side and therefore, the aforesaid impugned order dated 22.10.2024



passed by the learned Principal Judge, Family Court, Bathinda, vide which interim maintenance has been granted to the respondents as aforesaid may be set aside.

3. I have heard the learned counsel for the petitioner.

4. The basic facts of the present case are not in dispute as so stated by the learned counsel for the petitioner. The marriage between the petitioner and respondent No.1 is not in dispute and it is also not in dispute that out of the said wedlock, two children were born i.e. minor son of the age of 9 years and minor daughter of the age of 2 years, who are the respondents in the present case and who also filed the petition under Section 125 Cr.P.C. for grant of maintenance alongwith their mother. The learned Principal Judge, Family Court, Bathinda has passed an order only granting interim maintenance and the main petition under Section 125 Cr.P.C is still pending and the petitioner-husband has come up before this Court assailing the aforesaid order, vide which interim maintenance has been granted to the respondents by stating that the same is on the higher side.

5. Both the petitioner-husband and respondent No.1-wife filed their respective affidavits pertaining to declaration of their assets and liabilities before the learned Principal Judge, Family Court, Bathinda on the basis of which the aforesaid impugned order was passed. So far as respondent No.1-wife is concerned, her income is Nil, although she is stated to be having educational qualification of MCA (IT). Respondent No.1-wife is taking care of her two minor children. So far as the petitioner-husband is concerned, he himself disclosed in his affidavit that he is B. M. H. S. Homeopathic Medical Officer



and his salary is Rs.64,668/- per month after deducting TDS and CPF. An argument was raised by the learned counsel for the petitioner that the petitioner-husband also has to pay certain personal loans by way of EMIs and also premium for Postal Life Insurance Policy held in his name and since he has to discharge his other liabilities as well, even if his total income is Rs.64,668/- per month after deducting TDS and CPF, the aforesaid fixation of interim maintenance of Rs.10,000/- per month for respondent No.1-wife and Rs.5,000/- per month each for two minor children is on the excessive side.

6. After hearing the learned counsel for the petitioner, this Court would consider the present case in two different aspects. Firstly, as to whether fixation of interim maintenance for the respondents as aforesaid is justified or excessive. Secondly, as to whether in the peculiar facts and circumstances of the present case, the present petition can be termed as a vexatious petition with a motive to perpetuate litigation by the husband against his wife and two minor children or not and consequence thereof.

7. So far as the first aspect is concerned, the facts are very straight. The learned Principal Judge, Family Court, Bathinda was to fix interim maintenance on the basis of respective affidavits filed by both the parties declaring their assets and liabilities and as per the affidavits filed by the parties regarding which there is no dispute, the petitioner is earning an amount of Rs.64,668/- per month as he is working as B. M. H. S. Homeopathic Medical Officer and the respondent-wife is not having any source of income but at the same time, she is having the care and custody of two minor children of the age of 9 years and 2 years regarding which there is no dispute at all. The learned



Principal Judge, Family Court, Bathinda vide impugned order dated 22.10.2024 has fixed interim maintenance to the tune of Rs.10,000/- per month for respondent No.1-wife and Rs.5,000/- per month each for two minor children i.e. respondents No.2 and 3 and by no stretch of imagination it can be said that the aforesaid impugned order is unjustified. Once it has come on record that all the relevant aspects have been duly considered by the learned Principal Judge, Family Court, Bathinda, for the purpose of deciding the grant or non-grant of interim maintenance, still the petitioner has preferred to file the present revision petition. So far as the quantum of interim maintenance is concerned, by no stretch of imagination it can be said that the same is on the higher side. Respondent No.1-wife is having no source of income. Respondent No.2-minor son, who is of the age of 9 years must be going to the school and so far as respondent No.3-minor daughter, who is of the age of 2 years is concerned, she is at a tender and delicate age for which expenditure has to be incurred. The inflationary tendencies and non-source of any income for respondent No.1-wife would make it very clear that the aforesaid quantum of interim maintenance cannot be termed to be on the higher side. Therefore, no illegality or perversity can be found in the aforesaid impugned order dated 22.10.2024 passed by the learned Principal Judge, Family Court, Bathinda.

8. So far as the second aspect is concerned as to whether the filing of the present petition was vexatious and with a motive to perpetuate litigation at the hands of the petitioner-husband or not, the facts and circumstances of the present case clearly suggest that the petitioner-husband is working as B. M. H. S. Homeopathic Medical Officer and is earning an amount of



Rs.64,668/- per month, whereas respondent No.1-wife is having no source of income at all and at the same time, she is also having the care and custody of two minor children of the age of 9 years and 2 years, this Court is of the considered view that filing of the present revision petition by the petitioner is totally vexatious and with an apparent intention to perpetuate litigation against the wife and two minor children.

9. In view of the aforesaid facts and circumstances, the present revision petition is hereby dismissed with Rs.30,000/- (Rupees Thirty Thousand) as costs. The petitioner is hereby directed to deposit the aforesaid costs before the Court of learned Principal Judge, Family Court, Bathinda, within a period of three months from today. On his depositing the aforesaid costs, the learned Principal Judge, Family Court, Bathinda shall transmit the aforesaid amount in the name of two minor children in equal proportion i.e. Rs.15,000/- + Rs.15,000/- by way of either fixed deposit through their mother, or by depositing the amount in the name of two minor children proportionately in any suitable Government Scheme or whichever method is most beneficial and suitable for the two minor children as per wisdom of the learned Principal Judge, Family Court, Bathinda.

10. The learned Principal Judge, Family Court, Bathinda shall also ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in case the same is not done, then the learned Principal Judge, Family Court, Bathinda shall recover the same from the petitioner in accordance with law.

11. A copy of this order be sent to the learned Principal Judge, Family Court, Bathinda.



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

**25.04.2025**  
Chetan Thakur

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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