

2025:PHHC:032206-DB



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

**FAO-1355-2025 (O&M)  
Reserved on:- 03.03.2025  
Pronounced on:-06.03.2025**

SANDEEP SINGH

.....Appellant

Versus

SATWANT KAUR @ SUKHWANT KAUR

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Ranjit Singh Sidhu, Advocate for the appellant.

**SUDHIR SINGH, J.**

**CM-4126-CII-2025**

For the reasons given in the application, the same is allowed and the delay of 208 days in filing the appeal is condoned, subject to all just exceptions.

**FAO-1355-2025**

Challenge in the present appeal is to the order dated 28.05.2024 passed by the learned Principal Judge, Family Court, Bathinda (for short 'the Family Court), whereby while allowing an application under Section 26 of the Hindu Marriage Act (for short 'the Act') filed by the minor daughter of the appellant through her mother

(Sukhwant Kuar), was allowed and she was held entitled to an amount of Rs.15,000/- per month as maintenance.

2. In the petition under Section 13 of the Act filed by the appellant, the minor daughter of the appellant and Sukhwant Kuar (wife of the appellant) had filed the aforesaid application pleading therein that she and her mother had been deserted by the appellant. She was studying in St. Joseph Convent School and her expenses were between Rs.1 and 1.5 lakh per annum. It was further alleged that the appellant was serving in Police Department as MHC, drawing a monthly salary of Rs.75,000/- per month and besides that, he was earning Rs.5 lakh from the agriculture land measuring 6 acres owned by him. Accordingly, an amount of Rs.35,000/- per month was sought for as maintenance *pendente lite* by the minor daughter.

3. The said application had been contested by the appellant disputing the assertions of the minor daughter in respect of the desertion of her and her mother. It was further alleged that he was ready to maintain the minor daughter of the parties, but it was Sukhwant Kaur (wife of the appellant) who had restrained him from discharging his obligations. The factum of drawing salary of Rs.70,000/- (approximately) per month was admitted by him, but it was asserted that he had also to maintain his old and aged parents.

4. The learned Family Court, after taking into consideration the affidavits of income, assets and liabilities of the appellant-husband and his wife (Sukhwant Kaur), has awarded the aforesaid amount of maintenance to the minor child.

5. Learned counsel for the appellant has vehemently argued that earlier, the wife of the appellant had filed application/petition under Section 125 Cr.P.C., as well as Section 12 of the Protection of Women from Domestic Violence Act, 2005 and when no maintenance was granted to her in the said proceedings, she filed the aforesaid application on behalf of the minor daughter before the Family Court. It is further argued that while filing the aforesaid application, the material fact of the income of the wife of the appellant was concealed and rather, it was asserted by the minor that her mother had no source of income. It is further argued that the wife of the appellant is working as a Government teacher and drawing more salary than the appellant. Still further, it is argued that the appellant is ready to bear the expenses towards the maintenance of the minor daughter, but the fact remains that such responsibility should be shared by both the parents in the 50:50 ratio. While placing reliance on the judgment of the Hon'ble Apex Court in Rajnesh Vs. Neha, 2021(2) SCC 324, it is argued that the maintenance granted by the learned Family Court, is very much on the higher side and is in violation of the dictum in the aforesaid judgment.

6. We have heard the learned counsel for the appellant and have also gone through the impugned order.

7. The only question that arises for consideration by this Court is whether the order passed by learned Family Court, requires any interference.

8. It is not disputed by the appellant that the minor daughter is residing with the wife of the appellant at her parental house. Though the contention of the learned counsel for the appellant is that in the application seeking maintenance, it was pleaded that the mother of the minor was not working, yet the fact remains that the learned Family Court has noticed in its order that the wife of the appellant in her affidavit had disclosed that she was working as a teacher under the Government of Punjab and drawing salary of Rs.60,000/- per month. She further deposed that she was building her own house after taking loan of Rs.30 lakh and paying monthly installment of Rs.30,000/-. It was also noticed that the appellant in his affidavit had disclosed his net salary as Rs.8,35,310/- per annum (for the year 2022-2023). It was also noticed that though the appellant took the plea that his parent were dependent upon him, yet it was noticed that the father of the appellant was drawing a handsome pension after his retirement.

9. We find that the maintenance of Rs.15,000/- per month awarded by the learned Family Court cannot be held to be on the higher side or excessive. It could not be disputed by the learned counsel for the appellant that the minor daughter of the parties is residing with her mother at the house of her maternal grandfather. It could also not be disputed that she was studying in St. Joseph Convent School. Thus, keeping in view the necessities of a growing child and expenses towards her school fee etc., the amount of maintenance awarded is just and proper. The argument of the learned counsel for the appellant that as the mother of the minor is also earning handsomely, the expenses should be borne by them equally i.e., in the

ratio of 50:50, is not tenable in view of the fact that the minor is residing with her mother and except the aforesaid amount of Rs.15,000/- p.m., which has been awarded in favour of the minor daughter, the rest of the expenses are being borne by the mother (wife of the appellant). We also do not find that the order passed by the learned Family Court is in violation of the law laid down by the Hon' ble Supreme Court in Rajnesh case (supra).

10. In view of the above, we do not find any illegality or perversity in the impugned order passed by the learned Family Court. It could not be pointed out that any evidence has been misread or not taken into consideration.

11. Finding no merit in the present appeal, the same is hereby dismissed.

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

**[ SUDHIR SINGH ]**  
**JUDGE**

**[ SUKHVINDER KAUR ]**  
**JUDGE**

06.03.2025

himanshu

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No