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

**CRR(F)-789-2025 (O&M)
Date of Decision: 26.05.2025**

Ravi Kumar Swami

..... Petitioner

Versus

Pooja Swami and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Raman Kaswan, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed for challenging the order dated 27.02.2025 passed by learned Additional Principal Judge, Family Court, Rewari vide which application filed by the respondents for grant of interim maintenance has been decided and the total amount of ₹24,700/- per month as interim maintenance has been granted to respondent No.1/wife and two minor children, who are stated to be of the age of 8 years and 6 years respectively.

2. Learned counsel for the petitioner/husband submitted that in the present case, the marriage took place between the petitioner and respondent No.1 on 22.02.2014 and thereafter, two children were born out of their wedlock. One is of the age of 8 years and another is of the age of 6 years and both of them are in the care and custody of respondent No.1/wife. He further submitted that respondent No.1/wife withdrew from the society of the petitioner without any reason and excuse and she has been living separately



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for almost 5 years. He also submitted that the petitioner is working as Senior Male Nurse in the SMS Hospital, Jaipur and his monthly income has come out to be ₹57,606/- as per the salary slip of September, 2024. He further submitted that respondent No.1/wife is also working as a Teacher but no record was produced before learned Family Court at the time of consideration of application for grant of interim maintenance.

3. Learned counsel for the petitioner further submitted that the petitioner is not able to pay the aforesaid amount as maintenance which is almost half of his monthly salary particularly in view of the fact that he has to also take care of his ailing mother and has other liabilities as well pertaining to EMIs regarding the loan which he had taken. Therefore, the impugned order is liable to be set aside or in the alternative the interim maintenance granted by learned Family Court, Rewari be reduced.

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

5. The present is a Revision Petition filed challenging the order dated 27.02.2025 passed by learned Additional Principal Judge, Family Court, Rewari. In the present case, the petitioner is the husband and respondent No.1 is his wife and respondents No.2 & 3 are their children, who are minor of the age of 8 years and 6 years, respectively. The relationship of marriage between the petitioner and respondent No.1 is not in dispute. It is also not in dispute that two children are born out of their wedlock and they are in the care and custody of respondent No.1/wife. By way of the impugned order, only interim maintenance to the tune of ₹24,700/- per month has been granted to all the three respondents i.e. the wife and two minor children. As per the aforesaid impugned order and as per the learned counsel for the petitioner, the petitioner is working as Senior



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Male Nurse at SMS Hospital, Jaipur and is getting a salary of ₹57,606/- per month. On the other hand, as per the impugned order, respondent No.1/wife is having no source of income and she has to take care of her two minor children although it has been so argued by learned counsel for the petitioner that she is working as a Teacher but nothing has been placed on record to show that she is working as a Teacher.

5. The argument which has been raised by learned counsel for the petitioner that he has other liabilities to pay and has to take care of his ailing mother is not sustainable in view of the fact that it is not only the legal and statutory obligation of the petitioner to maintain his wife and minor children but is also his social and economic liability to maintain them. So far as the argument raised by learned counsel for the petitioner on the aforesaid ground is concerned, the same is not sustainable and no error or perversity can be found in the impugned order which has been passed by learned Family Court while granting interim maintenance.

6. So far as the quantum of maintenance is concerned, it has been argued by learned counsel for the petitioner that the petitioner cannot pay the aforesaid amount. The facts and circumstances of the present case suggest that as per the impugned order, respondent No.1/wife is not working and she is having the care and custody of two minor children, who are stated to be of the age of 8 years and 6 years respectively and they must have started going to school as well, therefore, the total amount of ₹24,700/- per month cannot be said to be on the higher side by any stretch of imagination considering the inflationary tendencies and the costs in ratio as of today in India.

7. The mere fact that the petitioner has other liabilities also cannot become a ground for denial of maintenance to the wife and to the children to

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which they are otherwise legally entitled. In case, the petitioner is not able to earn the aforesaid amount, then it is rather his duty to earn more and after earning more, he has to maintain his children and wife under the provisions of law. Therefore, such an argument raised by learned counsel for the petitioner with regard to the other liabilities that he is not able to pay the aforesaid amount cannot be accepted and is hereby rejected.

8. After hearing the learned counsel for the petitioner and perusing the aforesaid impugned order passed by learned Family Court, this Court does not find any illegality or perversity in the impugned order and is also of the considered view that the aforesaid amount of ₹24,700/- per month to the respondents is neither excessive nor is erroneous. Even otherwise also, the present revision petition has been filed challenging the impugned order whereby only interim maintenance has been fixed and the scope of a Revision petition is very limited.

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

26.05.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |