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

**CRR(F)-945-2022 (O&M)
Date of Decision:13.02.2025**

Sudesh and others

.....Petitioners

Versus

Somvir

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kamal Sharma, Advocate for
Mr. Parveen Kaushik, Advocate for the petitioners.

JASGURPREET SINGH PURI J.(Oral)

1. The present revision petition has been filed seeking modification of the order dated 09.05.2022, passed by learned Additional Principal Judge, Family Court, Rohtak, whereby petitioner No.1 was denied interim maintenance.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner alongwith her three children has filed a petition under Section 125 of Cr.P.C. for the grant of maintenance and in the application which was filed for grant of interim maintenance, the same was partly allowed in favour of the children, with Rs. 7,000/-, Rs. 5,000/-, and Rs. 4,000/- per month granted to each child respectively, totalling Rs. 16,000/- per month. However, petitioner No. 1-wife was denied interim maintenance by Additional Principal Judge, Family Court, Rohtak, although litigation expenses of Rs. 11,000/- were directed to be given to the petitioners. He



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further submitted that there was no reason to have denied the petitioner No.1-wife for grant of interim maintenance once it has come on the record that respondent-husband is working in the Army and is earning about Rs.95,000/- per month.

3. I have heard learned counsel for the petitioner.

4. It is a case where petitioner No.1-wife along with her three children, had filed an application under Section 125 of Cr.P.C. for grant of interim maintenance before learned Family Court, Rohtak which was allowed only to the children and not to petitioner No.1-wife vide the impugned order dated 09.05.2022. In the present revision petition, the petitioners have challenged the aforesaid order to the extent of seeking modification of the order, by which interim maintenance was declined to petitioner No. 1. It has been so stated by learned counsel for the petitioners that the petitioners are not praying for enhancement of interim maintenance to the children but are seeking grant of interim maintenance only to petitioner No. 1, the wife.

5. A perusal of the impugned order dated 09.05.2022 passed by learned Family Court, Rohtak, would show that petitioner No. 1-wife, specifically pleaded in the petition filed before learned Family Judge, Rohtak, as well as in her affidavit of declaration of assets and liabilities that she neither has any source of income nor owns any immovable property. However, on the other hand, the respondent-husband has proved on record that petitioner No. 1 owns immovable property in her name, which was, in fact, purchased by the husband, and the sale deed, etc., were placed on record. The evaluation of the property was also mentioned in the aforesaid impugned



order and petitioner No.1 was denied interim maintenance because of the aforesaid reason that she had concealed material facts regarding the immovable property in her name.

6. This Court after hearing learned counsel for the petitioner and perusing the aforesaid order, is of the view that it is a settled law that anyone who approaches the Court must come with clean hands. It is a different matter that the wife is entitled to maintenance if she lacks any source of livelihood, however, at the same time, it is the duty of the wife to approach the Court with clean hands. The issue here pertains only to the grant of interim maintenance. When petitioner No.1 filed an affidavit of declaration of assets and liabilities before learned Family Judge, it was observed by learned Family Judge that she had concealed material facts. This was the reason she was denied interim maintenance, although interim maintenance of Rs.7,000/-, Rs. 5,000/-, and Rs. 4,000/- respectively was granted to her three children.

7. This Court is of the considered view that if petitioner No. 1 has filed an affidavit of declaration of assets and liabilities, concealing material facts, she cannot be granted any relief, at least with regard to interim maintenance. The main petition filed under Section 125 Cr.P.C. is stated to be still pending. The subject matter of the present petition is solely for the grant of interim maintenance to petitioner No. 1. Since learned Family Judge has non-suited petitioner No. 1 for the grant of interim maintenance on the ground of concealment of material facts in the affidavit, this Court finds no illegality or perversity in the view taken by learned Family Judge, Rohtak.



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8. Consequently finding no merit in the present case, the same is hereby dismissed.

**(JASGURPREET SINGH PURI)
JUDGE**

13.02.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No