



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

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CRR(F)-237-2023(O&M)

Date of Decision: 12.08.2025

SUSHIL KUMAR

...Petitioner(s)

Versus

SUMIT CHAUHAN AND ANR.

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Ashish Gupta, Advocate for respondents.

KIRTI SINGH, J. (Oral)

1. The present petition has been preferred against order dated 19.01.2023 passed by learned Principal Judge, Family Court, Nuh, under Section 125 of the Cr.P.C., whereby maintenance of Rs.7,000/- per month and Rs.3,000/- per month was awarded in favour of respondents No.1 and 2 respectively, along with a sum of Rs.2,000/- as litigation expenses.

2. The brief facts of the case are that the marriage between the petitioner and respondent No.1 was solemnized on 27.11.2015, as per Hindu religious rites and ceremonies and respondent No.2 was born from the said wedlock. A matrimonial dispute ensued between the couple, whereafter a petition under Section 125 Cr.P.C. for seeking maintenance was filed on behalf of the respondents, which was duly contested by the petitioner. The learned Family Court vide order dated 19.01.2023 granted maintenance to the tune of Rs. 10,000/- per month in favour of the respondents (Rs.7,000/- per month to respondent No.1 and Rs.3,000/- per month to respondent No.



2) along with Rs.2,000/- as litigation expenses. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner contends that the learned Principal Judge, Family Court, Nuh, has wrongly allowed the maintenance to the respondents, that too on a higher side. It is submitted that the respondent No.1 left the matrimonial house with their son, without any justified cause. With respect to the quantum of maintenance, it is submitted that the respondent No.1 is well qualified, having the educational qualification of MA, B.Ed. and used to work in OMAX Big Bazar, whereafter she took a job in RGDI Pvt. Company Ltd. A quick glance at the social media account of respondent No.1, where she has more than 1,27,000 followers on Instagram and is earning well therefrom, also reveals that she is maintaining a good standard of living. On the other hand, the petitioner is currently unemployed and has no source of income, other than the earnings made by providing tuitions to students of classes from 10th to 12th, that too only during exam times. Thus, in view of these submissions, the respondents are not entitled for any further maintenance amount from the petitioner.

4. Per contra, learned counsel for the respondents submits that respondent No.1 was subjected to constant cruelty and harassment at her matrimonial home, and had been deserted by the petitioner. Complaints were also made by respondent No.1 before the officials with respect to the same. It is submitted that the petitioner is a well qualified man, possessing degrees of M.Com and B.Ed. His earning from tuition classes alone is Rs.45,000/- per month, and in addition he also has a rental income of Rs.40,000/- per month; whereas respondent No.1 does not have any source of income to sustain herself and her minor child.



5. Heard learned counsel on either side and perused the judicial record with their able assistance.

6. Vide order dated 26.07.2023, the parties were sent for mediation before Mediation and Conciliation Centre of this Court, to facilitate an amicable resolution to the dispute. However as per the report dated 03.10.2023 of Mediation and Conciliation Centre of this Court, the matter could not be settled.

7. The object and purpose behind granting maintenance is to ensure that the dependent spouse and children are not reduced to destitution or vagrancy on account of failure of marriage or any other unfortunate circumstance. 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.

8. 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.”

9. 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.”

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

11. While dealing with the issue of maintenance in extenso, a two Judge bench of the Hon’ble Supreme Court in ***Rajnesh 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;

(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."

12. A perusal of the impugned order dated 19.01.2023 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 maintenance. All the pleas raised herein had already been addressed by the learned Family Court in the aforesaid impugned order. It was duly noted by the learned Court that simply because the wife was active on social media and is leading a decent life at her parental home, that would not absolve the husband of his responsibility to maintain his wife and child. The petitioner being a well qualified person, possessing degrees of B.Ed and M.Com, and admittedly earning from taking tuitions, though it being his case that he only took tuitions during examination times, was assessed by the learned Court as being financially sound. Furthermore, it was also noted that the husband had failed to produce his ITRs or other documents for proving his annual income, nor had he placed on record any evidence to show the income of the wife, who had claimed that she had no independent source of income. The custody of the minor child is with the mother. It is settled law that a wife cannot be denied maintenance solely on the ground that she is well qualified. It was under these circumstances that the petitioner was directed to pay Rs.7,000/- per month to the wife and Rs.3,000/- per month to the minor child. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order dated



19.01.2023, passed by learned Family Court, Nuh, which warrants interference by this Court.

13. Accordingly, the present petition is dismissed being bereft of any merit.

14. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

12.08.2025
Kavita

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No