



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

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FAO No.5338 of 2025 (O&M)

Date of decision: 24.09.2025

RAJIV MAHAJAN

.... Appellant

Versus

NIDHI MAHAJAN

.... Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present : Mr. Namit Gautam, Advocate for the appellant.

HARSIMRAN SINGH SETHI, J. (oral)

1. In the present appeal, the challenge is to the order dated 16.07.2025 passed by learned Additional Principal Judge, Family Court, Ludhiana by which, the maintenance has been granted under Section 24 of Hindu Marriage Act, 1955 to the wife as well as two children. The wife has been granted a sum of ₹5,000/- per month whereas, the two children have been granted ₹10,000/- each keeping in view that they need maintenance qua education expenses as well.

2. Learned counsel for the appellant argues that without noticing the fact with regard to the paying capacity of the appellant, direction has been given to pay the maintenance which comes to ₹25,000/- per month in total, hence, the said order dated 16.07.2025 may kindly be set aside.

3. We have heard learned counsel for the appellant and have gone through the record with his able assistance.

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4. All the facts have been mentioned in the order itself. The paying capacity has been assessed to be ₹60,000/- per month and no evidence has been brought on record to rebut the said finding before this Court that salary of the appellant is ₹18,000/- as being pleaded hence, salary of ₹18,000/- cannot be accepted. It may be noticed that prior to the passing of the impugned order, the appellant has been paying a sum of ₹25,000/- to the respondent in pursuance to the order passed under Section 125 Cr.P.C. That being so, once appellant was paying ₹25,000/- per month, the said assertion that the appellant's salary is only ₹18,000/- , and he does not have the paying capacity, cannot be accepted.

5. No other argument has been raised.

6. Keeping in view the totality of the circumstances, no ground is made out for any interference, hence the present appeal is dismissed.

7. Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(RAMESH KUMARI)
JUDGE

September 24, 2025

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