



CRR(F)-1039-2024 1

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

**CRR(F)-1039-2024 (O&M)
Date of Decision:-03.02.2025**

Surender Kumar

.....Petitioner

Versus

Priyanka Rani and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sanjiv Gupta, Advocate for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

CRM-32459-2024

The present application has been filed under Section 482 of the Code of Criminal Procedure read with Section 528 of BNSS of 2023 for condonation of delay of 07 days in filing of the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 07 days in filing the present revision petition, is hereby condoned.

Application stands disposed of.

CRR(F)-1039-2024

1. The present revision petition has been filed challenging the order dated 09.04.2024 passed by the learned Principal Judge, Family Court, Sirsa Camp at Ellenabad, by which interim maintenance has been granted to the respondents. The petitioner in the present case is the husband, respondent No. 1 is the wife and respondent No. 2 is the minor daughter, aged 6 years.

2. Learned counsel appearing on behalf of the petitioner submitted that this is a case where, even as per the impugned order, nothing has come on



CRR(F)-1039-2024 2

record to show that the petitioner was working and earning any income. Therefore, the petitioner is unable to pay the interim maintenance, which has been fixed at Rs.3,000/- each per month for both the respondents, totaling Rs. 6,000/- per month. As such, considering the aforesaid facts and circumstances, where the petitioner is unable to pay the aforesaid amount, the impugned order is liable to be set aside.

3. I have heard learned counsel for the petitioner.

4. It is a case where the petitioner has approached this Court by filing the present petition, challenging the order of interim maintenance, by which learned Family Court has granted Rs. 3,000/- per month to the wife-respondent No. 1 and Rs. 3,000/- per month to the minor daughter-respondent No. 2, totalling Rs. 6,000/- per month. A perusal of the order passed by learned Principal Judge, Family Court, Sirsa, would show that the marriage between the parties is admitted, and there is no dispute that respondent No. 1 is the wife of the petitioner and respondent No. 2 is the daughter of the petitioner. According to respondent No. 1, the petitioner owned substantial agricultural land, measuring 28 kanals and 11 marlas, equivalent to 3.5 acres. The marriage was solemnized between the parties in the year 2015, and thereafter matrimonial discord took place and in April 2022, the petitioner transferred the agricultural land in his mother's name. Learned Family Court was of the view that by relinquishing his rights in favour of his mother, the petitioner cannot escape from the liability of maintaining his wife and minor daughter. Although it was not proved that what was the exact income of the petitioner but it has come on record that respondent No.1-wife is not working. Even otherwise, by way of the impugned order, only an interim order has been passed, whereas the final order is yet to be passed after adducing of evidence.



CRR(F)-1039-2024 3

Therefore, learned Family Court has assumed the income of the petitioner to be between Rs. 12,000/- and Rs. 15,000/- per month and accordingly, an amount of Rs. 3,000/- each has been awarded to respondent No. 1-wife and respondent No. 2-minor daughter .

5. This Court is of the view that in the absence of any source of income of respondent No. 1 (wife), who is also having the care and custody of respondent No. 2 (minor daughter), aged 6 years, the aforesaid amount of Rs.3,000/- each to the respondents cannot be considered to be on the excessive side by any stretch of imagination. The argument raised by learned counsel for the petitioner that the petitioner does not have any source of income is liable to be rejected in view of the fact that, although it has come on record that he had agricultural land and income from it and he had transferred the land in his mother's name in 2022 but even assumingly that the petitioner does not have any source of income, he is still under a statutory and moral obligation to maintain his wife and also to minor daughter, who is in the care and custody of the respondent-wife. Therefore the aforesaid amount of Rs.6,000/- per month as interim maintenance has been rightly awarded to the respondents.

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

(JASGURPREET SINGH PURI)
JUDGE

03.02.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No