

CRR(F)-310 of 2025

2025:PHHC:133983



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

CRR(F)-310 of 2025

Date of decision: 22.09.2025

Smt. Asmina and others

.....Petitioners

Versus

Sajid

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Nafeesh Ahmed, Advocate,
for the petitioners.

NAMIT KUMAR, J.

1. This revision petition has been filed for enhancement of maintenance allowance granted to the petitioners under Section 125 Cr.P.C. by learned Principal Judge, Family Court, Nuh, vide order dated 19.12.2024.

2. Brief facts of the case as averred by the petitioners are that about 14/15 years ago, petitioner No.1 was married with the respondent according to Muslim rites and customs. Thereafter, they resided together and out of the said wedlock five children i.e. petitioners No.2 to 6 were born. However, respondent and his family members started harassing petitioner No.1 for demand of dowry as they were not happy with the dowry articles given at the time of marriage. Petitioner No.1 was maltreated and given beatings. It is further averred that petitioner No.1 was thrown out of her matrimonial home and the respondent

CRR(F)-310 of 2025

2025:PHHC:133983



performed second marriage without giving divorce to petitioner No.1. Consequently, petitioners filed a petition under Section 125 Cr.P.C. seeking maintenance from the respondent. Respondent was ordered to be proceeded against ex parte vide order dated 27.10.2023. Learned Principal Judge, Family Court, Nuh, vide impugned order dated 19.12.2024 granted maintenance to the tune of Rs.3,000/- per month to petitioner No.1 and Rs.1,000/- per month each to petitioners No.2 to 6 from the date of filing of the petition till they become major along with litigation expenses of Rs.3,000/-.

3. Learned counsel for the petitioner contended that the maintenance of Rs.8,000/- per month granted by the learned Family Court to the petitioners is on the lower side. The Family Court has failed to appreciate that respondent is an able-bodied person and is a driver by profession. Apart from that, he has acres of agricultural land and his monthly income is more than Rs.50,000/- per month and on the other hand, petitioner No.1 has no source of income. It is submitted that respondent may be directed to pay maintenance of Rs.35,000/- per month to the petitioners.

4. I have heard learned counsel for the petitioners and perused the record.

5. The intention and objective of the legislature in enacting Section 125 of the CrPC is to provide succour to those wives who are unable to maintain themselves and have no sufficient income for their sustenance. However, while determining the amount of maintenance, the Court has to take into consideration the position and status of the

2025:PHHC:133983



parties, reasonable needs of the claimant and overall financial position of the husband.

6. In the present case, despite service as the respondent did not appear before the Family Court, therefore, he was ordered to be proceeded against ex parte vide order dated 27.10.2023. Petitioner No.1 filed her income and assets affidavits, showing her income and qualification as 'nil'. However, petitioner No.1 failed to prove her assertion that respondent is earning Rs.50,000/- per month and is possessing several acres of agricultural land. No documentary evidence was produced to substantiate this claim. Thus, the Family Court while considering the income of the respondent as Rs.14,000/- to Rs.15,000/- per month, rightly awarded monthly maintenance of Rs.8,000/- to the petitioners, which cannot be said on the lower side.

7. The Family Court awarded Rs.3,000/- per month to petitioner No.1 (wife) and Rs.1,000/- to petitioners No.2 to 6 (children), totalling Rs.8,000/- per month. While it is true that the needs of six persons are much higher, it is equally true that the quantum of maintenance must be commensurate with the paying capacity of the respondent. Further, maintenance cannot be an illusory exercise but has to be realistic and practical, balancing the needs of the claimants with the income of the husband.

8. This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally. The

CRR(F)-310 of 2025

2025:PHHC:133983



Hon'ble Supreme Court in *Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460*, has held that revisional powers should be exercised sparingly and only in exceptional cases.

9. In the light of the above discussion, the impugned order does not suffer from perversity or illegality. The maintenance awarded is based on a fair assessment of the respondent's earning capacity. Accordingly, I find no ground to exercise the revisional jurisdiction of this Court.

10. Dismissed.

(NAMIT KUMAR)
JUDGE

22.09.2025
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No