



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

222

FAO-4679-2019

Date of decision: 14.07.2025

PAWAN KUMAR

..Appellant

Versus

SUSHMA

..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Ashwani Gaur, Advocate
for the appellant.

Mr. Sajjan Singh, Advocate
for respondent.

* * * *

ANIL KSHETARPAL, J. (Oral)

1. Through the present appeal, the appellant assails the correctness of order passed by the Family Court on 31.03.2017, while allowing respondent's application under Section 18 and 25 of Hindu Adoption and Maintenance Act, 1956 (in short '1956 Act'). The marriage between the parties was dissolved through a decree of divorce granted on 03.09.2014, however, on the petition filed by the respondent under Section 18 of '1956 Act', the Court directed the appellant to pay maintenance at the rate of Rs.2,500/- per month. Subsequently, she filed an application on 18.07.2013 for enhancement of the amount. At the time of filing of the application, appellant was drawing monthly salary of Rs.55,000/- per month, which was subsequently revised and the appellant started getting salary of Rs.77,000/-



approximately from the year 2016. Taking into account all these facts, the Court ordered the appellant to pay maintenance at the rate of Rs.10,000/- per month from 18.07.2013 to 20.03.2017 and thereafter pay at the rate of Rs.15,000/- per month till she remarries.

2. Initially, a criminal revision petition was filed, which was subsequently converted into first appeal against order. Learned counsel for the appellant submits that under Section 18 read with Section 25 of '1956 Act' only the wife is entitled to maintenance, which does not include divorced wife. He further contends that the respondent could file a petition under Section 125 Cr.P.C. after the decree for divorce was granted. He relies upon the judgment passed in *Gurnam Singh Vs. Paramjit Kaur 2016 (4) PLR 232* in support of his submissions.

3. Per contra, learned counsel for respondent submits that Section 18 would include a 'Hindu Wife' or a 'Hindu Divorced Wife'. He relies upon the judgment passed in *B.P. Achala Vs. S. Appi Reddi and another, 2005 (2) RCR (Civil) 80.*

4. This Court has considered the submissions of learned counsel for the parties.

5. Without going into the technicalities as to whether the petition under Section 25 would be maintainable by the wife or the divorced wife, it is sufficient to note that when the respondent filed application on 18.07.2013, there was no decree of divorce, hence, the Court was competent to entertain the petition. Moreover, only the amount of maintenance has been granted, which can be considered under Section 125 Cr.P.C. The Court is not expected to reject the petition of divorced wife on technical objections. The substantive justice has been done.



6. Hence, no ground to interfere is made out.
7. Dismissed.

(ANIL KSHETARPAL)
JUDGE

July 14th, 2025
Ayub

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No