

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F) No.1130 of 2025(O&M)
Date of Order:06.08.2025

Ramphal

.Petitioner

Versus

Shiwani

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

**Present: Mr. Sachin Kamboj, Advocate
for the petitioner.**

SHALINI SINGH NAGPAL, JUDGE

CRM-30527 of 2025

1. For the reasons mentioned in the application, which is supported by an affidavit, the delay of 126 days in filing the revision petition is condoned.

2. CM stands disposed of.

MAIN

3. Order dated 24.12.2024, of learned Additional Principal Judge, Family court, Panipat, has been challenged in this revision petition, filed by the husband-Ramphal. Vide impugned order, learned Additional Principal Judge, Family court, Panipat, awarded interim maintenance to the tune of Rs.8,000/- per month to the wife with effect from the date of filing the application under Section 125 Cr.P.C., till decision thereof, along with litigation expenses of Rs.5500/-.

4. Learned counsel for the petitioner argued that the petition under Section 125 Cr.P.C was filed only to harass and humiliate the husband and, in fact, the wife left the matrimonial home without any sufficient cause.

He submitted that marriage of the parties was solemnized on 13.10.2020, as per Hindu Rites and Ceremonies. From the inception, the behaviour of the wife was not cordial. She picked up quarrels with the petitioner and his mother and left the matrimonial home. A false FIR No.163, dated 18.08.2021, under Section 323, 498-A and 506 IPC was also registered against the petitioner.

5. Learned counsel went on to submit that while awarding a sum of Rs.8000/- as interim maintenance allowance, the court failed to consider that the husband was already paying Rs.6,000/- per month to the wife. Besides he was burdened with EMI of Rs.16,290/- per month on account of a loan which he had taken for construction of house. Moreover, he was looking after his ailing mother. In fact, the wife was not entitled to any maintenance as she was not residing with the husband without any sufficient cause.

6. The relationship of the parties is not in dispute. The respondent is the legally wedded wife of the petitioner. Parties are living separately. That the petitioner has sufficient means to maintain his wife is also not in dispute. Concededly, he is serving as Head Constable in Haryana Police, Police Line, Karnal and his gross salary would be no less than Rs.35,000/- per month. The manner in which the prayer for maintenance has been opposed itself, *prima facie*, illustrates the neglect and refusal to maintain. Allegation of the husband that the respondent left his company without sufficient cause would be tested during trial. The argument that the interim maintenance amount awarded by Additional Principal Judge, Family Court, Panipat, deserved to be reconsidered and reduced on account of the EMIs payable for the personal loan taken by the husband fails to impress.

7. Concededly, the wife is not earning any income though she is a graduate. During pendency of the main petition under Section 125 Cr.P.C, she has to be saved from vagrancy and destitution. The financial commitments of the petitioner which he has voluntarily taken up cannot be a ground to wriggle out of the statutory liability to maintain his wife. The award of Rs.8,000/- per month to the wife besides litigation expenses of Rs.5500/- can by no means said to be excessive, keeping in mind the admitted income of the petitioner, the rising prices of essential commodities, the high cost of living and the reasonable and basic needs of the wife. There is no illegality or perversity in the impugned order passed by the learned Additional Principal Judge, Family Court, Panipat, warranting exercise of jurisdiction in revision. The petition is dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

06th August, 2025
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**