

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR(F) No.1124 of 2025(O&M)  
Date of Order: 07.08.2025

Satbir

.Petitioner

Versus

Ombati

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Munish Behl, Advocate  
for the petitioner.

SHALINI SINGH NAGPAL, JUDGE

CRM-30227-2025

1. For the reasons mentioned in the application, which is supported by an affidavit, the delay of 68 days in filing the revision petition is condoned.

2. CM stands disposed of.

MAIN

3. This is a revision petition challenging the judgment dated 19.02.2025, of learned Principal Judge, Family Court, Palwal, dismissing the petition under Section 127 Cr.P.C for alternation of maintenance amount fixed by the Court of learned Chief Judicial Magistrate, Palwal, on 12.07.2019.

4. Respondent-Ombati along with her son Dipanshu filed an application under Section 125 Cr.P.C in the court of learned Chief Judicial Magistrate, Palwal, which he decided vide order dated 12.07.2019, awarding maintenance allowance @ Rs.6,000/- per month to the respondent besides Rs.4,000/- for her son Dipanshu. An application under Section 127(1)

Cr.P.C for alteration of the maintenance amount was filed in the court of learned Principal Judge, Family Court, Palwal, on the ground that respondent-Ombati was employed with M/s Century Metal Recycling Limited, Village Tatarpur, District Palwal and was earning Rs.10,000/- per month apart from other facilities. On this ground, petitioner prayed for recalling of the order dated 12.07.2019.

5. The learned Principal Judge, Family Court after seeking reply of the respondent, framed issues, invited the parties to lead evidence. Considering the evidence led, it was observed that even the respondent did not dispute that she was working in a company on monthly salary of Rs.12,000/-. Learned Principal Judge, Family Court, Palwal, considered the fact that son of the parties, namely, Dipanshu, was about 14 years of age and the amount of Rs.4,000/- awarded as maintenance allowance to him was meagre. The respondent, who was looking after the school going, 14 years old child was constrained by circumstances, to take up employment, being in dire need of money and the amount of Rs.6,000/- per month awarded vide order dated 12.07.2019, was hardly sufficient considering the rising price index. The fact that the respondent was earning Rs.12,000/- per month, did not prevail over learned Principal Judge, Family Court, to alter the maintenance allowance and rightly so, in the circumstances of the case as petitioner obtained an ex-parte divorce, re-married and had another son from the second marriage. Learned Principal Judge, Family Court also noticed conduct of the petitioner, who failed to pay up maintenance allowance in time, forcing the respondent to approach the court and a fight a battle every time to get the court order executed.

6. The courts have held that if the wife is earning, it cannot operate

as a bar for award of maintenance by the husband (see *Rajnish vs. Neha, (2021) 2 SCC 324*). In *Shailja and Another vs. Khobbanna, (2018)*, Hon'ble Supreme Court has held that merely because the wife is capable of earning, it would not be sufficient ground to reduce the maintenance awarded by the Family Court. The court has to determine whether the income of the wife is sufficient to enable her to maintain herself, in accordance with the lifestyle of the husband in the matrimonial home. In *Sunita Kachwaha and others vs. Anil Kachwaha, (2014) 16 SCC 715*, the wife had a postgraduate degree, and was employed as a teacher in Jabalpur. The husband raised a contention that since the wife had sufficient income, she would not require financial assistance from the husband. The Supreme Court repelled this contention, and held that merely because the wife was earning some income, it could not be a ground to reject her claim for maintenance. Thus, neither the mere potential to earn nor the actual earning of the wife, howsoever meagre, will operate to deny or reduce the maintenance.

7. Concededly, petitioner is an Advocate practicing in the District Courts, at Palwal since 2014-2015. He is able bodied and has re-married. The needs and requirements of the wife are to be assessed in the context of status in life of the husband. Considering the social and financial standing of the husband, his liabilities, the reasonable wants of the respondent, who has to make provision for food, clothing, shelter, education, medical treatment of a minor child and considering the sky rocketing prices of essential commodities, the verdict of learned Principal Judge, Family Court that no alteration in the monthly allowance was permissible, cannot be interfered with. Learned Principal Judge, Family Court rightly non-suited the

petitioner and there is no occasion to reverse the judgment.

8. The order of learned Principal Judge, Family Court, is well reasoned and does not suffer from any illegality or irregularity, warranting exercise of revisional jurisdiction. Hence, the revision petition is dismissed.

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

**(SHALINI SINGH NAGPAL)  
JUDGE**

**07<sup>th</sup> August, 2025**

**nt**

**Whether speaking/reasoned : Yes/No**

**Whether reportable : Yes/No**