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

**CRR(F)-814-2025
Date of Decision: 28.05.2025**

Sunil Kumar

..... Petitioner

Versus

Ashu alias Asha and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed by the petitioner/husband challenging the impugned order dated 11.03.2025 passed by learned Principal Judge, Family Court, Gurugram vide which the petition under Section 127 of the Code of Criminal Procedure was allowed and the maintenance was enhanced qua respondent No.1/wife to ₹25,000/- per month and qua the daughter/respondent No.2 to ₹10,000/- per month. It was further directed that the daughter shall receive the aforesaid amount of maintenance only till the time she attains the age of majority i.e. 18 years.
2. By giving the facts of the present case, learned counsel for the petitioner-husband submitted that the marriage between the petitioner and respondent No.1 was solemnized on 07.05.1998 and thereafter respondent No.2-daughter was born out of the said wedlock. The relationship between the petitioner and respondent No.1 was not in dispute. A petition was filed by the respondents against the petitioner under Section 125 Cr.P.C. which was allowed on 04.05.2011 and maintenance of ₹3,000/- per month was



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fixed for the wife and ₹2,000/- per month was fixed for the daughter. The said maintenance was enhanced to ₹6,000/- per month for the wife and ₹4,000/- per month for the daughter in the year 2015. He further submitted that vide a petition under Section 127 Cr.P.C. now the amount has been enhanced to ₹35,000/- i.e. ₹25,000/- for the wife and ₹10,000/- for the daughter and the same could not have been increased to such an extent. He also submitted that although the petitioner is working as JDO in the Ministry of Defence Department but he has other liabilities also including his old aged parents.

3. Learned counsel for the petitioner further submitted that the enhancement of the maintenance has been made w.e.f. August, 2018 without taking into consideration the actual income of the petitioner and at the time of deciding the petition under Section 127 Cr.P.C. his income had been considered as about ₹90,000/- per month after deducting GPF etc. whereas his income in the year 2019 as gross pay was about ₹76,000/- and net pay was about ₹57,000/- and therefore, such parameters of fixation of the date i.e. the date of filing of the petition should not have been applied in this case and prayed that considering the aforesaid facts and circumstances, the impugned order be set aside.

4. I have heard the learned counsel for the petitioner.

5. It is a case where the petitioner-husband has come before this Court challenging the order passed by learned Principal Judge, Family Court, Gurugram by which the maintenance granted to the respondents has been enhanced under Section 127 Cr.P.C. to ₹25,000/- qua respondent No.1-wife and ₹10,000/- qua respondent No.2-daughter. The relationship between the parties is not in dispute. When earlier the application under Section 125



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Cr.P.C. was decided in the year 2011 the total maintenance which was fixed was only ₹3,000/- per month for the wife and ₹2,000/- per month for the daughter which was later on enhanced to ₹6,000/- per month for the wife and ₹4,000/- per month for the daughter in the year 2015. Almost 10 years have elapsed after the aforesaid enhancement was made.

6. The grievance of the petitioner as put forward by the learned counsel for the petitioner is twofold.

7. Firstly, the petitioner has other liabilities as well including his old aged parents and therefore, such an enhancement was erroneous. This argument of learned counsel for the petitioner is not acceptable in view of the fact that although the petitioner may be having other liabilities including old aged parents but at the same time it is his statutory and legal liability to maintain his wife and child. This liability is not only a statutory liability but also moral and social liability as well. Undisputedly, the respondent-wife was having no source of income and the daughter is also under the care and custody of respondent-wife although now she may have attained the age of majority. The maintenance fixed for the daughter was only payable till the time she attains the age of majority. Learned Principal Judge, Family Court, Gurugram allowed the enhancement w.e.f. the date of filing of the petition under Section 127 Cr.P.C. i.e. the year 2019.

8. The second argument which was raised by learned counsel for the petitioner was that although he is working as JDO in the Ministry of Defence Department (Navy) and was drawing salary of ₹1,26,072/- per month and net pay which comes to be ₹89,522/- plus GPF of ₹7,500/- which is more than ₹95,000/- per month but the aforesaid was not the salary at the time of the filing of the petition under Section 127 Cr.P.C. and in this regard



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he himself has given the details of his salary in tabulated form in the present Revision petition in Para No.6(ii). The aforesaid income of the petitioner as so depicted by the petitioner himself in a tabulated form is reproduced as under:

Year	Gross Pay	Net Pay
July 2019	Rs.75,396/-	Rs.57,806/-
June 2020	Rs.79,326/-	Rs.65,168/-
July 2021	Rs.91,964/-	Rs.69,274/-
June 2022	Rs.1,20,905/-	Rs.87,295/-
June 2023	Rs.1,10,618/-	Rs.77,288/-
July 2023	Rs.1,13,742/-	Rs.79,272/-
December 2024	Rs.1,26,072/-	Rs.89,522/-
February 2025	Rs.1,26,072/-	Rs.89,341/-

9. A perusal of the aforesaid would show that the income of the petitioner is not in dispute and the fact that he is a Government servant and his wife and daughter are not earning anything and having no source of income is also not in dispute. Even in the year 2019 his income has been shown to be ₹75,396/- as Gross Pay and ₹57,806/- as net pay. The daughter was stated to be born on 22.12.2004 and now she has attained the age of majority and as per the impugned order her maintenance was to continue only till she attains the age of majority. It is a very clear fact that the income of the petitioner has increased over the period of time as he is a government servant and his income on record is shown to be increased from ₹75,396/- per month in the year 2019 to ₹1,26,072/- per month in the year 2025 which is his Gross Pay. Even his net pay was shown to be ₹57,806/- per month in the year 2019 and ₹89,341/- per month in the year 2025, but the Court always has to see the source of income of the wife and if the wife does not have any source of income and has a grown up daughter living with her then

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the requirement of both wife and daughter which has come out to be only ₹35,000/- per month by any stretch of imagination cannot be said to be on the higher side. In today's time where the cost of living is so high and there are also inflationary tendencies, all the factors for determining the quantum of maintenance has to be seen practically. As per the memo of the parties which the petitioner has filed in the present case, the respondents-wife and daughter are living in district Gurugram. The cost of living therefore would always be higher in this regard.

10. Considering the aforesaid fact and circumstances, this Court is of the view that even if in the year 2019 the total maintenance fixed was ₹35,000/- per month, the same cannot be considered to be disproportionate for mother and a grown up daughter. Even otherwise also, the present is a criminal revision petition of which the scope is very limited. This Court does not find any illegality or perversity in the impugned order passed by learned Principal Judge, Family Court, Gurugram.

11. Consequently, finding no merit in the present revision petition and the same is hereby dismissed.

28.05.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No