



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

**CRR(F)-1285-2025 (O&M)**

Date of decision: 05.09.2025

Yogesh Kumar Yadav

....Petitioner

Versus

Nidhi

...Respondent

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Gurneet Sagoo, Advocate  
for the petitioner.

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**SHALINI SINGH NAGPAL, J.**

**CRM-35173-2025**

Application under Section 5 of the Limitation Act, 1963, has been filed for condonation of delay of 58 days in filing the revision petition.

Allowed. The delay of 58 days in filing the revision petition is condoned.

**CRR(F)-1285-2025 (O&M)**

1. The revision petition has been filed challenging order dated 29.03.2025 passed by learned Principal Judge, Family Court, Rohtak, Haryana in a petition u/s 125 Cr.P.C. Vide impugned order, learned Principal Judge, Family Court allowed the petition and directed the petitioner/husband to pay maintenance to the respondent-wife at the rate of Rs.15,000/- per month from the date of filing the petition, along with litigation expenses of Rs.11,0000/-.

2. Learned Counsel for the revisionist has been heard. He submits

that more than 50% amount as ordered by learned Principal Judge, Family Court, Rohtak stood paid to the respondent-wife. He further submits that the impugned order was unsustainable as learned Principal Judge, Family Court failed to consider that respondent-wife was earning regular income. In support of his submission, he referred to statement of accounts of the respondent, annexure P/1 arguing that in the month of July 2024 itself, a sum of Rs.27,000/- had been credited in the account , thus, proving that she earned regular income and was capable of maintaining herself. It was argued that the wife was well educated and the petition was filed only to harass the petitioner.

Learned Counsel for the petitioner next submitted that learned Principal Judge, Family Court, Rohtak though considered credit entries in the statement of accounts, erroneously concluded that the entries were on account of unemployment allowance. He argued that all the payments in July 2024 were received from Mumbai Fort Branch, State Bank of India and could not be on account of unemployment allowance under Saksham Yojana Scheme. Since, the wife was earning sufficient amount, on this very ground, the petition deserved dismissal. Another argument addressed by learned counsel was that there was no neglect and refusal on part of the petitioner-husband to maintain the wife.

3. The order of learned Magistrate assessing maintenance allowance @ Rs.15,000/- per month is detailed and well-reasoned one. It was not the case of the petitioner (husband) before learned Family Court, Rohtak that the wife was earning regular income from her employment. Credit entries of Rs.27,000/-, in the month of July 2024, in statement of accounts of the wife, by themselves, would not be sufficient to conclude

that she had a steady income from some employment. The statement of accounts of the wife, Annexure P/1 has to be read as a whole and entries of a particular month cannot be construed to infer regular income. The account statement, read as a whole, do not show regular credit entries every month. Learned Family Court, too, has taken the entries into account to observe that the same were well-explained by the wife, being payments, received under Saksham Yojana, which were sometimes not made regularly and were made together in one month. The observation that the wife was not capable of maintaining herself, thus, cannot be faulted.

The husband undisputedly is working as Lab Assistant in the Office of Chief District Medical Officer at South West District, Dwarka, New Delhi. As per his salary statement for the month of November 2024, brought on record as Ex.P/A, his net income was Rs.55,979/-. It is no answer to a claim of maintenance that the wife is able-bodied, educated and is capable of maintaining herself. This is the settled principle of law reiterated in "*Rajnish versus Neha and Another 2021 (2) SCC 324*". Thus, even if the wife is earning, it cannot operate as a bar for award of maintenance by the husband. What the Court is required to determine is whether the income of the wife is sufficient to enable her to maintain herself, in accordance with the lifestyle of her husband. In the present case, the records do not reflect that the wife is earning regular income sufficient to maintain herself. It is well-settled that maintenance has to be awarded in consonance with financial capacity of the husband, considering his actual income, reasonable expenses for his own maintenance and dependent family members. At the same time,

reasonable wants of the wife including provision for food, clothing, shelter, medical treatment etc. have to be kept in mind. The order of learned Principal Judge, Family Court, Rohtak assessing maintenance for the respondent-wife at Rs.15,000/- per month is a balanced one and commensurate to the income and status in life of the petitioner. By no means, it can be said to be excessive. The argument that there was no neglect and refusal to maintain the wife is far from convincing given the manner in which the prayer for maintenance has been contested. There is no apparent illegality or perversity in the order under challenge, warranting exercise of revisional jurisdiction.

4. The revision petition is, therefore, dismissed.
5. Pending application(s), if any, stands disposed of.

**(SHALINI SINGH NAGPAL)  
JUDGE**

**05.09.2025**  
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No