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

CRR(F)-1421-2025 (O&M)

Date of decision 30.09.2025

Jagjit Singh

...Petitioner

V/S

Daljit Kaur @ Geeta

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

SHALINI SINGH NAGPAL J.

CRM-39552-2025

Heard. Application under Section 5 of the Limitation Act, 1963, has been filed for condonation of delay of 32 days in filing the revision petition. The delay of 32 days in filing the revision petition is condoned for the reasons obtained in the application.

CRR(F)-1421-2025

1. Prayer in the revision petition is to set aside order dated 26.05.2025 of learned Addl. Principal Judge, Family Court, Ludhiana (holding Camp Court at Khanna), vide which a sum of Rs.6,000/- per month was awarded to wife-Daljit Kaur @ Geeta, as interim maintenance allowance.

2. Documents on record show that the parties were married on 03.02.1997 at Village Khumna, District Fatehgarh Sahib. Two children were born out of the wedlock on 22.04.1998 and 24.03.2001 respectively. The wife filed the petition under Section 125 Cr.P.C. averring that she was harassed, tortured, humiliated and illtreated for bringing insufficient dowry



and was turned out of the matrimonial home in January, 2023, along with her son. She stated that she had no independent source of income to maintain herself while the husband was a man of means, working as Supervisor in Delhi earning Rs.50,000/- per month. Besides, he also owned movable and immovable properties from which he was earning rent of more than Rs.10,000/- per month. Maintenance allowance of Rs.20,000/- was claimed from the respondent. The husband resisted the application by filing reply, denying the allegations of cruelty, harassment etc. He opposed the claim for maintenance on the ground that the wife had refused to live with him. He stated that the wife was capable of maintaining herself and denied that he was earning salary of Rs.50,000/- per month and he had movable and immovable properties.

3. Learned counsel for the petitioner submits that learned Additional Principal Judge, Family Court, Ludhiana erroneously assessed interim maintenance allowance @ Rs.6,000/- per month. It was argued that the wife was earning well, running a boutique in the village and in this context, referred to Annexure P3 statement of the wife recorded by police. It was urged that the husband was left alone as the wife had deserted him and there was no one to look after him. His parents and brother had expired and he was unable to work as he remained busy in household chores.

4. Section 125 of the Code of Criminal Procedure was conceived to ameliorate the agony, anguish, financial suffering of a woman who is forced to leave her matrimonial home, so that some suitable arrangements can be made by the Court and she can sustain herself. The concept of sustenance does not necessarily mean basic sustenance. The wife is entitled in law to lead life in a manner similar to one she would have lived in the



house of her husband. It is the obligation of the husband to see that the wife does not become a destitute, a beggar. It is his sacrosanct duty to render financial support even if he is required to earn money with physical labour, if he is able bodied. There is no escape route unless there is an order from the Court that the wife is not entitled to maintenance from the husband on any legally permissible grounds (vide **Bhuvan Mohan Singh Vs. Meena and Ors, 2015 6 SCC 353**).

5. It is the fundamental, legal and moral duty of the husband to maintain his wife. Claim of the husband that the wife was running a boutique in the village and was earning sufficient money for her maintenance, is a routine one and does not merit serious consideration. In her statement Annexure P3, recorded in Police Station Sadar Khanna, District Ludhiana, the wife has admitted that she did sewing work in the village. This however, cannot dis-entitle her to claim maintenance allowance as she is not expected to starve till the husband starts paying her sustenance allowance. Though, the husband has claimed that the wife left his company and had refused to live with him, the assertion is to be tested on the strength of evidence, which is yet to be led before the Court of learned Additional Principal Judge, Family Court, Ludhiana. The husband admittedly is a driver by profession, as disclosed in his affidavit filed before learned Family Court. Though, he claims to have monthly income of Rs.12,000/- per month, considering the minimum rate of wages of a skilled worker, his income could be assessed anywhere between Rs.18,000/- to Rs.20,000/-. He is able bodied and has no no other liabilities. Considering the status in life of the parties, income of the husband the reasonable requirements of the wife including provision for her food, clothing, shelter,



medical treatment, it does not appear that the award of Rs.6,000/- to the wife is unconscionable or excessive.

6. The object of Section 397 Cr.P.C. is to set right an error of jurisdiction or law or a patent defect in the order of the Court. Learned trial Court, while determining the quantum of interim maintenance allowance has taken a logical, balanced view and the assessment of interim maintenance allowance cannot be said to be arbitrary or perverse, requiring interference in revisional jurisdiction. The revision petition is, therefore, dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

30.09.2025

Sumit Singla

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No