



**CRR(F)-339-2022(O&M) and
CRR(F)-367-2021(O&M)**

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

**1. *CRR(F)-339-2022 (O&M)*
Reserved on : 28.07.2025
Pronounced on: 17.09.2025**

MINAKSHI GOUR AND ANR Petitioners

VERSUS

HUNNY GOUR Respondent

2. *CRR(F)-367-2021(O&M)*

HUNNY GOUR Petitioner

VERSUS

MINAKSHI GOUR Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dixit Garg, Advocate
for the petitioner(s) in CRR(F)-339-2022 and
for the respondent(s) in CRR(F)-367-2021.

Mr. Rajesh Lamba, Advocate
for the petitioner(s) in CRR(F)-367-2021 and
for the respondent(s) in CRR(F)-339-2022.

KIRTI SINGH, J. (ORAL)

This common judgment shall decide the aforementioned revision petitions, as they stem from the same impugned order dated 02.07.2021. For the sake of brevity the facts are being extracted from CRR(F)-339-2022.

2. The present petition has been preferred against order dated 02.07.2021 passed by learned Additional Principal Judge, Family Court, Gurugram, under Section 125 of the Cr.P.C., whereby final maintenance of



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Rs.13,000/- per month was awarded in favour of the petitioners and additional @ Rs.5,000/- per month when the flights will be flying regularly, seeking enhancement of the quantum of maintenance.

3. Succinct factual narrative relevant for the disposal of the petition is that the marriage between the petitioner No.1-wife and respondent-husband was solemnized on 10.02.2020 as per Hindu rites and ceremonies, by performing the *Sapt padi*. It is the case of the petitioner-wife that her family spent a considerable amount on the marriage, and also gave a Maruti Baleno car. However, within a short span after marriage, the conduct of the respondent and his family members changed and the petitioner-wife was subjected to harassment and ill-treatment. It is averred that the petitioner-wife was ultimately abandoned at her parental home on 19.05.2020, and since then has been residing separately, maintaining herself and the minor child. A subsequent petition under Section 125 Cr.P.C. was filed on behalf of the petitioners, wherein vide judgment dated 02.07.2021, the learned Additional Principal Judge, awarded maintenance of Rs.13,000/- per month to the petitioners and directed the respondent to pay them an additional sum of Rs.5,000/- per month when flights would start operating regularly. Aggrieved thereby, the petitioners have approached this Court by filing the present petition.

4. Learned counsel for the petitioners submits that despite the solemnization of the marriage in February, 2020 according to Hindu rites and ceremonies, the respondent and his family members did not accept petitioner No.1 with dignity, and instead raised objections with regard to her background and family name. She was taunted, humiliated and even pressurized to terminate her pregnancy on the pretext that she was suffering from a fibroid in her uterus, and when she refused to do so, because of which her treatment at the matrimonial home further deteriorated. The respondent-



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husband, thereafter, dropped the petitioner No.1 at her parental home on 19.05.2020, with an assurance that she would be taken back within ten days, but thereafter abandoned her completely and never came to resume cohabitation. Since then, the petitioner No.1 has been compelled to reside separately, to manage her medical needs and expenses of pregnancy on borrowed money, and later, to take care of the minor child single-handedly. It is contended that the respondent, instead of discharging his marital and legal obligations, is now raising false and frivolous pleas, whereas in reality he has failed to maintain his wife and the minor child even to the extent of providing bare necessities. Learned counsel also emphasizes that the respondent is employed as a Flight Attendant with Air India on international flights and is earning a handsome salary running into lakhs per annum. It is also submitted that the petitioner No.1-wife is a law graduate but presently has no independent means of income, and merely on account of her educational qualification, she cannot be denied her right to claim maintenance, particularly when she is fastened with the responsibility of maintaining herself and the minor child. Further, the allegation of concealment of religion by the petitioner No.1-wife is wholly baseless and irrelevant to the adjudication of the present proceedings. The respondent and his family members were fully aware of her background and surname even prior to the marriage, as is evident from documents and transactions placed on record. This ground is only being raised subsequently by the respondent in a separate proceeding for dissolution of marriage as an afterthought and cannot be allowed to defeat the legitimate claim of the petitioners for maintenance. Learned counsel contends that even the interim maintenance, quantum of which was upheld by this Court vide order dated 21.12.2020 passed in CRR(F)-403-2020, awarded in favour of the wife was higher than the sum of maintenance granted while disposing the petition under Section



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125 Cr.P.C. The petitioners are thus entitled to be awarded maintenance commensurate with the status and earning capacity of the respondent.

5. Per contra, learned counsel for the respondent-husband, whilst refuting the contentions raised on behalf of the petitioners, submits that petitioner No.1-wife had left the society of the respondent without any reasonable cause and thereafter filed an application for seeking maintenance from him, despite being a qualified lawyer, fully capable of maintaining herself. It is urged that the learned Family Court failed to appreciate the peculiar circumstances of the case, particularly that the marriage was solemnized shortly before the COVID-19 lockdown, during which the respondent, being a contractual cabin crew with Air India, was drawing only a basic salary of Rs.17,125/- per month without any flying allowances, as admitted by the Air India official examined as PW5. Learned counsel further submits that respondent was deceived as petitioner No.1 had concealed her religion i.e. Christianity, at the time of their marriage, which was performed as per Hindu rites and ceremonies. The respondent, already disowned by his father, is burdened with a bank loan of about Rs.47,00,000/-, which has become NPA, and has had to borrow money to comply with interim orders, leaving him with hardly any means for his own survival. It is further contended that the petitioner No.1 failed to produce a certificate under Section 65-B of the Indian Evidence Act for electronic documents relied upon, yet the Family Court erroneously considered such inadmissible material. The impugned order, fixing maintenance at Rs.13,000/- per month with an additional Rs.5,000/- when flights resume, is thus perverse, based on conjectures, and hence is liable to be set aside, or in the alternative, substantially modified.



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6. I have given thoughtful consideration to the submissions made by learned counsel for the parties and meticulously perused the record.

7. Vide order dated 28.01.2025, passed by this Court, the parties were directed to appear before the Mediation and Conciliation Centre at District Court, Gurgaon on 05.02.2025 to explore the possibility of an amicable resolution to the dispute. However, as per the report submitted by the Mediation and Conciliation Centre, Gurugram, petitioner No.1-wife declined to participate in the mediation proceedings, and consequently the matter was returned back as being unsettled.

8. Before proceeding to decide the question of grant of maintenance, it would be apposite to reiterate that provision of Section 125 Cr.PC is a manifestation of the legislative intent prevent vagrancy and destitution of wives, children and parents who are unable to maintain themselves. This spirit of social justice also finds footing in the enabling provisions of Article 15(3), reinforced by Article 39 of the Constitution of India. The adequacy of the maintenance so fixed must be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable comfort.

9. While adjudicating the appeals pertaining to an order of maintenance, the Hon'ble Supreme Court expressed in ***Shamima Farooqui Vs. Shahid Khan (2015) SCC 708*** that “18. From the aforesaid enunciation of law it is limpid that the obligation of the husband is on a higher pedestal when the question of maintenance of wife and children arises. When the woman leaves the matrimonial home, the situation is quite different. She is deprived of many a comfort. Sometimes the faith in life reduces. Sometimes, she feels she has lost the tenderest friend. There may be a feeling that her



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fearless courage has brought her the misfortune. At this stage, the only comfort that the law can impose is that the husband is bound to give monetary comfort. That is the only soothing legal balm, for she cannot be allowed to resign to destiny. Therefore, the lawful imposition for grant of maintenance allowance.”

10. Further, the Hon'ble Supreme Court in “***Shailja v. Khobbana***”, (2018) 12 SCC 199, while distinguishing between "capable earning" and "actual earning", held that they are different requirements. Merely because the wife is capable of earning was held not to be a sufficient reason to reduce the maintenance awarded by the Family Court. Following this dictum of law, the Delhi High Court in “***Sh. Arun Vats vs. Ms. Pallavi Sharma and anr.***” CRL.REV.P. 751/2018, dismissed the revision petition challenging the order granting interim maintenance of Rs. 33,005/- to the wife, a professional and duly enrolled advocate though claimed to be not working, and minor child. Similar had been the decision of this Court in ***Chanchal Mehta vs. Supriya Mehta, Crl. Revision No. 365 of 2016.***

11. The object and purpose behind granting maintenance is to ensure that the dependent spouse and children are not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other spouse. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were



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enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India.

12. A two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria v. State of Gujarat (1996) 4 SCC 479***, speaking through Justice Faizan Uddin, opined as follows:

“15. ... While dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation.”

13. The rival claimants must scrupulously bring on record their actual respective earning capacities in order for the Court to arrive at quantum of maintenance which is just and fair in terms of principle of equistatus. The quantum of maintenance must be justifiable and realistic to provide succour to the dependent spouse and also to avoid occurrence of the two extremes of the maintenance being either paltry or extravagant, ensuring that neither of the two is reduced to a life of penury. The adequacy of the maintenance allowance has to be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable



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comfort.

14. While dealing with the issue of maintenance *in extenso*, a two Judge bench of the Hon'ble Supreme Court in ***Rajnish v. Neha and another (2021) 2 SCC 324***, laid down the criteria for determining quantum of maintenance and issued the following directions:

VI Final Directions

130. In view of the foregoing discussion as contained in Part B -1 to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India:

(a) Issue of overlapping jurisdiction

131. To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

(i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding:

(ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;

(iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding

(b) Payment of Interim Maintenance

132. The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court / District Court / Magistrates Court, as the case may be, throughout the country.



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(c) Criteria for determining the quantum of maintenance

133. *For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B III of the judgment.*

134. *The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.*

(d) Date from which maintenance is to be awarded

135. *We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above.*

(e) Enforcement/Execution of orders of maintenance

136. *For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28A of the Hindu Marriage Act, 1956; Section 20(6) of the D.V. Act; and Section 128 of Cr.P.C may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC more particularly Sections 51, 55, 58, 60 r.w. Order XXI."*

15. A gainful reference can be made to the judgment passed by a Division Bench of this Court in ***FAO-5938-2023 titled as Karan Puri Vs. Sonika Chaudhary, decided on 22.12.2023***, wherein it was held that a Family Court is empowered to take as evidence any material necessary for the adjudication of the case, whether or not it fulfills the requirement of Indian Evidence Act. Relevant Paras of the said judgment reads thus:-

"9. Sections 10(1) of the 1984 Act empowers a Family Court to be a Civil Court for the purposes of exercising all powers vested in a Civil Court and the provisions of CPC have been made applicable to the proceedings before the Family Court, but at the same time it has been expressly stipulated in Section 10(1) of the 1984 Act itself that such application of CPC shall be "subject to the other provisions of this Act and the Rules". Section 10(3) of the 1984 Act postulates that nothing in Section 10(1) shall prevent the Family Court from laying down its own procedure so as to deal with the matter in issue before



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it i.e. for arrival at a settlement in respect of the lis of any suit/proceedings before it or to determine the truthfulness of the facts in dispute. This provision by itself shows that the legislature, while broadly mandating for application for CPC to proceedings before a Family Court, has vested discretion in favour of such Family Court to devise a procedure on its own. The provisions of Section 10(1) and Section 10(3) of 1984 Act, when juxtaposed, reflect the clear legislative intent to the effect that CPC does not apply compulsorily to proceedings before Family Court.

9.1 Further a perusal of Section 20 of the 1984 Act shows that it contains a clause having overriding effect viz-a-viz anything contained in any other law for the time being in force.

*9.2 The Golden Rule of Interpretation (Literal Rule of Interpretation), as relied upon by the Hon'ble Supreme Court in the judgments of **Dikshitulu's case (supra)** and **Laxmi Narain Dhut's case (supra)**, when applied in the present scenario to the provisions of 1984 Act, shows that the language as also phraseology employed in the legislation in question is precise, plain, unambiguous and unequivocal. The legislative intent, that CPC does not mandatorily apply in full force to proceedings under 1984 Act, is clearly decipherable from a bare reading of the legislation in question.*

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13.(III) A Family Court is well within its powers to take into evidence any material, which in the judicial discretion of such Family Court, may be essential for effectively adjudicating a lis before it whether or not such material fulfills the requirements of Indian Evidence Act, 1872. However, while exercising such discretion, the Family Court ought to bear in mind that receiving of such material by way of evidence does not violate the basic principles of our legal system.”

16. At this juncture, it would also be apposite to refer to the observations made by the Hon'ble Supreme Court in **Kamala & Others Vs. M.R. Mohan Kumar (Criminal Appeal Nos.2368-2369 of 2009 decided on 24.10.2018)**, wherein it was held that strict standard of proof with respect to solemnization of a valid marriage is not required under Section 125 Cr.P.C. Relevant paras of the said judgment reads thus:

“14. Based on the evidence of PW-1 and the number of documents in particular, the birth certificates of the children (Exts.P7-P8) and the photos (Exts.P1 to P3), the family court rightly held that appellant No.1 has proved valid marriage between her and the respondent. From the evidence of PW-2 and PW-3, it is established that appellant No.1 and



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the respondent were cohabitated as husband and wife and that the people around them treated them as husband and wife and the family court rightly held that appellant No.1 being a wife and appellants No.2 and 3 being their children are entitled to claim maintenance under Section 125 Cr.P.C.

15. *Unlike matrimonial proceedings where strict proof of marriage is essential, in the proceedings under Section 125 Cr.P.C., such strict standard of proof is not necessary as it is summary in nature meant to prevent vagrancy. In Dwarika Prasad Satpathy v. Bidyut Prava Dixit (1999) 7 SCC 675, this Court held that “the standard of proof of marriage in a Section 125 proceeding is not as strict as is required in a trial for an offence under Section 494 IPC. The learned Judges explained the reason for the aforesaid finding by holding that an order passed in an application under Section 125 does not really determine the rights and obligations of the parties as the section is enacted with a view to provide a summary remedy to neglected wives to obtain maintenance. The learned Judges held that maintenance cannot be denied where there was some evidence on which conclusions of living together could be reached.” When the parties live together as husband and wife, there is a presumption that they are legally married couple for claim of maintenance of wife under Section 125 Cr.P.C. Applying the well-settled principles, in the case in hand, appellant No.1 and the respondent were living together as husband and wife and also begotten two children. Appellant No.1 being the wife of the respondent, she and the children appellants No.2 and 3 would be entitled to maintenance under Section 125 Cr.P.C.*

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18. *After referring to the divergence of judicial opinion on the interpretation of the word “wife” in Section 125 Cr.P.C., speaking for the Bench A.K. Ganguly J. held that the Bench is inclined to take a broad view of the definition of “wife”, having regard to the social object of Section 125 Cr.P.C.*

19. *In Chanmuniya case, this Court formulated three questions and referred the matter to the larger Bench. However, after discussing various provisions of the Criminal Procedure Code, this Court held that a broad and extensive interpretation should be given to the term “wife” under Section 125 Cr.P.C. and held as under:- “42. We are of the opinion that a broad and expansive interpretation should be given to the term “wife” to include even those cases where a man and woman have been living together as husband and wife for a reasonably long period of time, and strict proof of marriage should not be a precondition for maintenance under Section 125 CrPC, so as to fulfil the true spirit and essence of the beneficial provision of maintenance under Section 125. We also believe that such an interpretation would be a just application of the principles enshrined in the Preamble to our Constitution, namely, social justice and upholding the dignity of the individual.”*

20. *On the basis of the evidence of appellant No.1 (PW-1), birth certificates of appellant Nos.2 and 3 (Exts. P7-P8 dated 25.05.2001 and 06.08.2003), other documentary evidence, oral evidence of PW-2*



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who was co-worker of appellant No.1 and PW-3-landlord, the family court held that appellant No.1 and the respondent were living 12 together as husband and wife and there is sufficient proof of marriage. The family court rightly drew the presumption of valid marriage between appellant No.1 and the respondent and that they are legally married couple for claiming maintenance by the wife under Section 125 Cr.P.C. which is summary in nature. The evidence of PW-1 coupled with the birth certificates of appellants No.2 and 3 and other evidences clearly establish the factum of marriage.

21. Based upon oral and documentary evidence, when the family court held that there was a valid marriage, the High Court being the revisional court has no power reassessing the evidence and substitute its views on findings of fact. The High Court did not keep in view that in the proceedings under Section 125 Cr.P.C., strict proof of marriage is not necessary. The findings recorded by the family court as to the existence of a valid marriage ought not to have been interfered with by the High Court.”

17. A perusal of the impugned order passed by the learned Family Court makes it evident that the court has duly considered the material placed before it at the time of deciding the application for maintenance. It is an admitted position that the marriage between petitioner No.1-wife and the respondent-husband was solemnized on 10.02.2020, and out of the said wedlock a child was born on 14.11.2020. Trite to say that strict standard of proof of a valid marriage is not required in proceedings under Section 125 Cr.P.C. Furthermore, it is not disputed that the parties have been living separately since 19.05.2020. The oral and documentary evidence adduced by both parties with respect to their income, assets and liabilities were also taken into account, whereafter it was observed that salary slips proved by PW-5, Assistant Officer, Air India Limited, establish that the husband draws salary ranging between Rs.18,000/- to Rs.24,000/- per month, with additional hourly allowances of Rs.240/- whenever flights operate. Similarly it was noted that the averments with respect to working/employment of the wife remained unsubstantiated. In these circumstances, the award of



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Rs.13,000/- per month, with an additional Rs.5,000/- as and when flights would start operating, was granted as maintenance, for the sustenance needs of the wife and the minor child. There is no infirmity or illegality in the impugned order of maintenance thus passed. However, keeping in view the increasing needs of the growing child, who is in the care and custody of the mother, this Court deems it appropriate to order annual enhancement of the maintenance granted in favour of petitioner No.2-minor child at the rate of 5% per annum. Accordingly, the petition bearing No. CRR(F)-339-2022 stands disposed of in the aforesaid terms.

18. As a corollary, the petition filed by the husband (CRR(F)-367-2021) challenging the impugned order dated 02.07.2021 is dismissed.

19. Needless to say that in case of change in circumstances, the parties would be at a liberty to seek appropriate remedies in accordance with law.

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

**(KIRTI SINGH)
JUDGE**

17.09.2025

Kavita

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