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

**CRR(F)-492-2025 (O&M)
Date of Decision: 04.04.2025**

Vikas Kumar @ Vikas Kumar Kashyap

..... Petitioner

Versus

Shakshi

..... Respondent

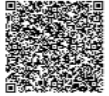
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed for challenging the order dated 06.02.2025 passed by learned Additional Principal Judge, Family Court, Hoshiarpur by which interim maintenance has been granted in favour of the respondent/wife, who is of the age of 22 years to the tune of ₹15,000/- per month.

2. Learned counsel for the petitioner submitted that when learned Family Court, Hoshiarpur considered and decided the application for grant of interim maintenance as aforesaid to the tune of ₹15,000/- per month, then the income of the petitioner was not considered in right perspective and the quantum of interim maintenance was required to be fixed only in view of the income of the petitioner. He further submitted that the petitioner is not opposing grant of maintenance to the wife but he is only disputing the quantum of interim maintenance which has been fixed by learned Family Court, Hoshiarpur and on this ground, he has filed the present revision



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petition.

3. While further arguing the matter, learned counsel for the petitioner also referred to Annexures P-4 & P-5 which are the respective affidavits filed pertaining to declaration of the assets and liabilities of both the husband and wife i.e. the petitioner and the respondent. While referring to Annexure P-4 which was the affidavit of the petitioner through his attorney (Special Power of Attorney), he submitted that the monthly income of the petitioner is ₹30,000/- per month as per Indian Currency (INR) because he is residing in Italy and his monthly expenditure is ₹22,000/-. Various other litigations are pending pertaining to domestic violence and submitted that as of now no order of maintenance has been granted in the other remaining litigations. He also submitted that the petitioner has been living in Italy for a long time before marriage as well and after just one month of marriage he had again gone back to Italy and is presently doing labour work in the agriculture sector, but at the same time during the winter season the work is not available and therefore, he is only earning an amount of ₹30,000/- INR per month. Learned counsel further referred to Annexure P-5 which was the affidavit filed by the wife pertaining to declaration of her assets and liabilities wherein she so stated that she is not having any source of income and at the same time having monthly expenditure of groceries, food items, personal care, clothing to the tune of ₹20,000/-, electricity to the tune of ₹2,000/-, gas to the tune of ₹1,200/- and various other items have been mentioned wherein she is to incur expenditure and her total expenditure as per her affidavit is stated to be ₹48,000/- per month and in the statement of assets, she does not have any asset at all except for one mobile phone and she is having no source of income. Learned counsel submitted that in this



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way, out of the total income of ₹30,000/- INR per month, the petitioner is not able to pay the aforesaid amount of ₹15,000/- per month to his wife, who stays in India and the petitioner also has various other expenditure including maintaining his old parents and therefore, the aforesaid amount of ₹15,000/- per month be reduced to any other reasonable amount.

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

5. It is a case where the relationship of marriage between the petitioner and the respondent is not in dispute and it is also not in dispute that the petitioner/husband was residing in Italy before marriage and till date he is residing in Italy. As per the learned counsel for the petitioner, after one month of marriage, the petitioner left for Italy and a matrimonial discord took place and learned Family Court in an application for grant of interim maintenance based upon the affidavits of declaration of assets and liabilities awarded an amount of ₹15,000/- per month to the respondent/wife. Learned counsel for the petitioner during the course of arguments has restricted the scope of the present revision petition only to the extent of quantum of interim maintenance, therefore, this Court would consider the argument raised by learned counsel for the petitioner pertaining to the quantum only.

6. As per the argument raised by learned counsel for the petitioner, the petitioner is living in Italy and is doing labour work in the agriculture sector at a farm. At the same time, he has in his affidavit disclosed his income only to the extent of ₹30,000/- INR per month. Although the main petition under Section 125 Cr.P.C. is yet to be decided where other evidence can be led as to whether the petitioner is actually earning ₹30,000/- INR per month or above, but for the purpose of considering the grant of interim maintenance, learned Family Court was to consider the quantum of



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maintenance to be fixed based upon the affidavits which were so filed by the respective parties and other relevant factors.

7. It was the case of the learned counsel for the petitioner before learned Family Court that the respondent/wife is also working and doing the business of tailoring and beauty parlour etc. but neither any document was placed on record nor any such documentary evidence was available to show as to how the respondent/wife is having any source of income and rather on the other hand in her affidavit she has disclosed that she has nil income and no property at all. During the course of arguments, rather a query was raised to learned counsel for the petitioner as to whether he still has any such document to show that the respondent/wife is working and earning to which he submitted that he does not have any such document nor has placed on record any such document. Learned Family Court in Para 10 of impugned order observed that at this stage, respondent/wife is living separately from her husband and passing her days at the mercy of others. It was further observed that the stand which has been taken by the husband that he is earning only ₹30,000/- INR in Italy and is presently not having any source of income because of winter season is not believable.

8. A stand has been taken by the petitioner/husband that while living in Italy, he is earning only ₹30,000/- per month INR and as of today, the exchange rate value of Euro is 94 and therefore, it comes to be approximately €320/- (Three hundred and twenty Euros). The stand taken by the petitioner is unbelievable that he was earning the aforesaid amount of money. Admittedly the petitioner is working in agriculture sector in a farm and it is not believable at least for the purpose of considering the application for grant of interim maintenance that he is earning ₹30,000/- per month in



Italy. On the other hand, the respondent/wife is having no source of income as per her affidavit.

9. Rather Hon'ble Supreme Court in "**Anju Garg Vs. Deepak Kumar Garg**", **2022 SCC Online SC 1314** has observed that it is not only a statutory duty of the husband but it is also a moral duty of the husband to maintain the wife. The relevant portion of the aforesaid judgment is reproduced as under:-

"10. This Court had made the above observations as the Court felt that the Family Court in the said case had conducted the proceedings without being alive to the objects and reasons, and the spirit of the provisions under Section 125 of the Code. Such an impression has also been gathered by this Court in the case on hand. The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute. In Chaturbhuj vs. Sita Bai (2008) 2 SCC 316, it has been held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy. As settled by this Court, Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. It also falls within the Constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution of India."

10. In view of the aforesaid facts and circumstances, this Court is of

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the considered view that the scope of the present revision petition is very limited and otherwise also there is no illegality or perversity in the impugned order passed by learned Family Court while granting interim maintenance of ₹15,000/- per month to the respondent/wife. Consequently, the present revision petition being devoid of any merit is hereby dismissed with ₹15,000/- (Rupees Fifteen Thousand Only) as costs which shall be deposited by the petitioner in the learned Family Court within a period of three months from today. After deposit of the aforesaid costs, the same shall be transmitted to the respondent/wife in her account. In case the aforesaid cost is not deposited within the aforesaid period, then learned Family Court shall ensure that the same is recovered from the petitioner in accordance with law.

04.04.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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