

CRR(F)-480 of 2025

2025:PHHC:053686



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

CRR(F)-480 of 2025

Date of decision: 25.04.2025

Smt. Komal Singh

.....Petitioner

Versus

Inderpal Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: - Ms. Rahish Pahwa, Advocate,  
for the petitioner.

**NAMIT KUMAR, J.**

1. This revision petition has been filed against the order dated 19.02.2025, passed by learned Additional Principal Judge, Family Court, Faridabad, whereby the application filed by the petitioner under Section 125 Cr.P.C. for grant of interim maintenance has been dismissed.

2. Brief facts of the case are that marriage between the petitioner and the respondent was solemnised on 11.12.2010 according to Hindu rites and ceremonies at Faridabad. Out of the said wedlock no child was born. It is averred by the petitioner that on 15.12.2012, petitioner was having acute stomach pain because she was physically and mentally tortured by the respondent-husband and she requested the respondent to visit the doctor, but he refused to take her to doctor. On 24.12.2012, mother of the petitioner took her to hospital and after

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ultrasound, petitioner was diagnosed with PID (Pelvic Inflammatory Disease). Due to the prolonged illness of uterus, the petitioner was again diagnosed with multiple Fibroids (Rasoli) of the uterus on 13.02.2019 and therefore, the petitioner had to take treatment in various hospitals. The petitioner had to undergo surgery/operation called 'Laparoscopic Myomectomy' on 24.02.2020. The respondent and his family members forcefully ousted the petitioner from her matrimonial home on 22.12.2022 and never made any effort to bring her back. It is further averred that previously, petitioner had filed a maintenance case under Section 125 Cr.P.C. and divorce case in the year 2013 and due to assurance given by the respondent and his parents for mutual settlement, the petitioner has withdrawn both the cases in the year 2016. After withdrawal of the cases, respondent and his parents just backed out, only to give maximum humiliation and harassment to the petitioner. It is further averred that the respondent is a house hold lady and now she has no independent source of income and therefore, she is unable to maintain herself. Presently, she is completely dependent for food, medicine and daily need etc. upon her old aged parents. On the other hand, respondent is employed as a Technical Project Manager in Multinational company namely M/s. One Network India Pvt. Ltd. and drawing salary of Rs.40 lakhs per annum. Being the husband, respondent is legally bound to maintain his wife, therefore, interim maintenance of Rs.1 lakh per month, Rs.10,000/-towards medical expenses and Rs.25,000/- towards rent/accommodation was sought by the petitioner. The application filed by the petitioner has been

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dismissed by the learned Additional Principal Judge, Family Court, Faridabad, vide impugned order dated 19.02.2025. Hence, the present revision petition.

3. Learned counsel for the petitioner contended that the learned Family Court has wrongly denied the interim maintenance to the petitioner as it has failed to appreciate that provisions of Section 125 Cr.P.C., which are beneficial in nature and meant for the betterment of the destitute women and ignored children. She further contended that the respondent-husband is duty-bound to maintain the petitioner-wife, therefore, she is entitled to interim maintenance under Section 125 Cr.P.C.

4. I have heard learned counsel for the petitioner and perused the record.

5. On the last date of hearing i.e. 03.04.2025, the following order was passed: -

*“Learned counsel for the petitioner seeks adjournment to get instructions from the petitioner with regard to amicable settlement between the parties and for referring the matter for mediation.*

*Adjourned to 25.4.2025.”*

6. Learned counsel for the petitioner has submitted that she has received written instructions from the petitioner that she is not interested in mediation.

7. The relationship between the petitioner and respondent as husband and wife is not in dispute. This is the second petition under Section 125 Cr.P.C. filed by the petitioner seeking interim

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maintenance. The earlier petition under Section 125 Cr.P.C. was dismissed as withdrawn on 22.08.2016. The application for interim maintenance under Section 12 of the Protection of Women from Domestic Violence Act was dismissed by learned Judicial Magistrate Ist Class, Faridabad, on 06.10.2016 and appeal filed against the said order was also dismissed by learned Additional Sessions Judge, Faridabad, vide order dated 16.11.2018 by recording findings regarding qualification and capacity of earning by the petitioner as admittedly the petitioner is an educated lady having qualification of MBA from a reputed institute and was working with a private company till December, 2015.

8. The intention and objective of the legislature in enacting Section 125 of the CrPC is to provide succour to those wives who are unable to maintain themselves and have no sufficient income for their sustenance. The social objective behind the provision for grant of maintenance, if considered on the admitted facts, it would go to disclose the wife's need and requirement to be balanced not only with the income and liability of the husband but also has to be considered on the backdrop of the education and prospect of the wife to earn. Law never appreciates those wives who remain idle only to weigh down the husband with maintenance claim by not working or not trying to work despite having proper and high qualification.

9. At this juncture it would be apposite to refer to the judgment of the Hon'ble Karnataka High Court in **Shilpashree J.M.**



v Gurumanjunatha A.S., 2023 SCC OnLine Kar 36, wherein it has been held as under:-

*“8. The records also disclose that before marriage petitioner No.1 was working as is evident from her cross-examination. Her cross- examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband”.*

(Emphasis added)

10. From the perusal of record, it is clear that the petitioner is a well-educated lady and has capacity and experience to earn. Learned counsel for the petitioner is unable to dispute or controvert the findings

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as recorded by the learned Family Court. Even nothing has been produced before this Court to show as to why the abovesaid findings are incorrect or ought to be rejected.

11. In *Smt. Mamta Jaiswal v. Rajesh Jaiswal, 2000(3) MPLJ 100*, the High Court of Madhya Pradesh while dealing with identical situation observed that well-qualified spouses desirous of remaining idle, not making efforts for the purpose of finding out a source of livelihood, have to be discouraged, if the society wants progress.

12. No doubt maintenance is provided with the goal of strengthening the poor and attaining social justice, or individual equality and dignity but at the same time petitioner being well-educated lady and having capacity to earn as she was earlier working in several organisations before marriage and continued working after marriage also till December, 2015 thereby showing that she has the means to sustain herself. After December, 2015 she made no positive efforts to make her both ends meet.

13. Accordingly, I find no ground to exercise the revisional jurisdiction of this Court.

14. Dismissed.

25.04.2025  
R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No