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

**CRR(F)-278-2025 (O&M)**

**Date of decision 25.09.2025**

**Amit Rawal**

**...Petitioner**

**V/S**

**Nisha and Another**

**...Respondents**

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

Present: Mr. Namit Khurana, Advocate  
for the petitioner.

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**SHALINI SINGH NAGPAL J.**

1. Prayer in the revision petition is to set aside judgment dated 16.12.2024 of learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri, vide which a sum of Rs.5,000/- per month was awarded to respondent No.1-wife and Rs.3,000/- per month to respondent No.2-minor daughter of the parties, as maintenance allowance.

2. Documents on record show that petitioner and respondent No.1 were married on 04.02.2014 at village Begampur. They cohabited as husband & wife and two children, a daughter and a son, were born out of the wedlock. The wife and minor daughter filed the petition under Section 125 Cr.P.C. averring that the husband harassed, tortured and humiliated the wife in connection with demands for dowry and also filed a petition under Section 13 of the Hindu Marriage Act against her for divorce. The wife was finally turned out of the matrimonial home on 13.02.2017. 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 was earning Rs.20,000/- per month from tailoring work.



3. Vide order dated 22.03.2024, interim maintenance of Rs.11,000/- per month was awarded to the wife & child and the order of interim maintenance was affirmed by this Court in CRR(F)-676-2024 on 13.05.2024.

4. After framing issues, learned Principal Judge, Family Court invited the parties to lead evidence. Both sides led oral as well as documentary evidence and vide impugned judgment dated 16.12.2024, learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri awarded a sum of Rs.5,000/- and Rs.3000/- to the wife and child respectively, from the date of filing of the petition.

5. Learned counsel for the petitioner-husband submits that the award of maintenance allowance was excessively disproportionate to the income of respondent, who was earning only Rs.20,619/- per month. The maintenance awarded constituted almost 40% of petitioner's net income leaving him with insufficient resources for his own sustenance and that of his minor son, who was in school. Learned Principal Judge, Family Court also failed to appreciate that the petitioner was also maintaining his elderly parents. The fact that respondent No.1 was earning Rs.20,000/- from tailoring work was also erroneously ignored. Learned counsel referred to the affidavit of assets and liabilities filed by the wife wherein she declared her monthly income of Rs.35,000/- per month. It was argued that the judgment under challenge was illegal, perverse and deserved to be set aside, on this ground alone.

6. Section 125 of the Code of Criminal Procedure was conceived to ameliorate the agony, anguish, financial suffering of a woman who left her matrimonial for the reasons provided in the provision, so that some



suitable arrangements can be made by the Court and she can sustain herself and her children, if they are with her. 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**).

7. Relationship of the parties is not in dispute. Respondent No.1 is the wife and respondent No.2 is the minor daughter of the petitioner. In 2019, when the petition was filed, respondent No.2 minor daughter was 5 years old. The fact that the petitioner is working as Assistant Line Man in Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) has been proved by the wife by leading oral as well as documentary evidence. Even learned counsel for the petitioner does not dispute that as per pay slip Annexure P5, consolidated wage of the petitioner was Rs.24,462/- and his net pay was Rs.20,619/-. The claim that the wife was earning Rs.20,000/- by tailoring and stitching work is a routine one and was rightly ignored by learned Family Court.

8. The wife's income affidavit wrongly mentions that she is earning Rs.35,000/- per month being employed in UHBVNL. It is nobody's case that the wife is working as Assistant Line Man in UHBVNL. The affidavit, therefore cannot be read to her disadvantage. No doubt, the



husband is also burdened with the upbringing of son of the parties, yet, it is equally his sacrosanct duty to provide for the reasonable wants of his wife and the other minor child who he has fathered. That the husband is also maintaining his old aged parents, is not borne out from the affidavit of assets and liabilities on record as Annexure P4. The only liability of the husband is to maintain his wife and minor children besides himself. Considering the status in life of the parties, the reasonable requirements of the wife and the minor daughter, the income of the petitioner, the fact that he is shouldering the responsibility of another child of the parties and considering the requirement of the respondents for food, clothing, shelter, education, medical attendant, treatment, it does not appear that the award of Rs.5000/- to the wife and Rs.3000/- to the minor child is unconscionable, excessive or arbitrary.

9. 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 maintenance allowance has taken a logical, balanced view and the assessment of maintenance allowance cannot be said to be arbitrary or perverse, requiring interference in revisional jurisdiction. The revision petition is, therefore, dismissed.

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

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

25.09.2025  
Sumit Singla

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>