



113

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

**CRR(F)-1690-2023  
Date of decision: 12.03.2025**

**AJAY**

**...Petitioner(s)**

**VERSUS**

**MONIKA**

**...Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Vikas Singh Chawra, Advocate for  
Mr. Gagandeep Sanwal, Advocate  
for the petitioner.

\*\*\*\*

**JASGURPREET SINGH PURI, J. (Oral)**

1. The present revision petition has been filed for setting aside the impugned judgment dated 29.09.2023 passed by the learned Principal Judge, Family Court, Rohtak (Camp Office at Meham), vide which the respondent-wife has been granted maintenance of Rs.10,000/- per month.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner and the respondent got married on 14.12.2015 and no child was born out of the said wedlock. He further submitted that after some time, the relationship between the petitioner and the respondent turned sour and a matrimonial discord arose between the parties and the respondent-wife filed a petition under Section 125 Cr.P.C. for grant of maintenance, which was allowed by the learned Principal Judge, Family Court, Rohtak (Camp Office at Meham), which is under challenge in the present



revision petition. He further submitted that the petitioner-husband is working as a Lower Division Clerk (LDC) in C.B.I. and so far as the income of the petitioner-husband is concerned, the respondent-wife has placed on record the salary slip of the petitioner and he does not dispute that the income of the petitioner is approximately Rs.35,000/- per month but the respondent-wife is not entitled for the grant of maintenance because she herself is living in adultery. He also submitted that the petitioner was posted at Port Blair in the office of C.B.I. and therefore, he could not lead any evidence and therefore, the aforesaid impugned judgment on this ground may also be set aside.

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

4. It is a case where the marriage between the parties is not in dispute.

It is also not in dispute that the respondent-wife is residing separately from the petitioner-husband. The respondent-wife led evidence, whereby it was proved on record that the petitioner is working as a Lower Division Clerk (LDC) in the C.B.I. and his income is Rs.35,478/- per month. It is also not in dispute that the respondent-wife is not working anywhere and is having no source of income. The learned Principal Judge, Family Court, Rohtak (Camp Office at Meham) has granted maintenance of Rs.10,000/- per month to the respondent-wife, which is less than even 1/3<sup>rd</sup> of the total income of the petitioner-husband.

5. It was the argument of the learned counsel appearing on behalf of the petitioner that the respondent-wife was living in adultery and that is the reason as to why she is not entitled for maintenance. This Court is unable to accept the argument raised by the learned counsel appearing on behalf of the petitioner since purely on the basis of allegations of adultery, maintenance



cannot be denied. There is no order or any adjudication on this issue on the record. So far as the income of the petitioner is concerned, the respondent-wife has successfully been able to prove on record that the income of the petitioner-husband, who is working as a Lower Division Clerk (LDC) in C.B.I. was Rs.35,478/- per month and so far as the respondent-wife is concerned, she has got no source of income at all. It is not only a legal obligation but also a social and moral obligation of the petitioner to maintain his wife. So far as the quantum of maintenance is concerned, the same is less than even 1/3<sup>rd</sup> of the total income of the petitioner-husband, which is proved on record. After perusing the aforesaid impugned judgment passed by the learned Principal Judge, Family Court, Rohtak (Camp Office at Meham) and hearing the learned counsel appearing on behalf of the petitioner, this Court is of the considered view that even otherwise also, the scope of revision petition is very limited and this Court has not been able to find any illegality or perversity in the aforesaid impugned judgment passed by the learned Principal Judge, Family Court, Rohtak (Camp Office at Meham).

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

**12.03.2025**  
Chetan Thakur

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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