



CRR(F)-471-2026 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR(F)-471-2026 (O&M)
Date of decision: 24.03.2026

HARSH BHARDWAJ

PETITIONER

VERSUS

SHIKHA

RESPONDENT

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Mohan Lal, Advocate
for the petitioner (through video conferencing).

Shalini Singh Nagpal, J.

1. Order dated 22.08.2025 of learned Additional Principal Judge, Family Court, Faridabad in MNT-125-238-2023 titled "*Shikha Vs. Harsh Bhardwaj*", awarding interim maintenance of ₹2,500/- per month to the respondent from the date of filing the application, has been assailed in the present revision petition.
2. For clarity and better appreciation, parties shall be referred as husband and wife.
3. Learned counsel for the husband submits that marriage of the parties was solemnized on 29.06.2020 according to Hindu rites and ceremonies in compelling circumstances, when husband was only 16 years 04 months of age while the wife was 25 years old. No child was born out the wedlock, though the marriage was consummated. A petition under Section 3 of the Prohibition of Child Marriage Act, 2006 for annulment of the child marriage was filed before learned Principal Judge, Family Court, Faridabad on 21.01.2023, whereafter the wife filed the application under Section 125 Cr.P.C. for maintenance, after three years of living separately. It is urged that the husband was only 22 years old, student of electrical engineering. His family was *Antyodaya* family entirely dependent on widow pension



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(₹3,000/-) of mother of the petitioner. The wife failed to prove that the husband was earning. She was not destitute and was living with her parents and four brothers, who were all earning hands. Thus, the award of ₹2,500/- per month deserved to be set aside.

4. Relationship of the parties is not in dispute. The object of maintenance proceedings is not to punish the husband for his neglect but to prevent a destitute wife leading a life of vagrancy and penury, by providing her maintenance allowance for her food, shelter, clothing etc. speedily. Grant of maintenance to wife has been perceived as a measure of social justice by Hon'ble Supreme Court. In ***Chaturbhuj V. Sita Bai, (2008) 2 SCC: (AIR 2008 SC 530)***, it has been ruled that:

*“Section 125, CrPC is a measure of social justice and is specially enacted to protect women and children and as noted by this Court in **Captain Ramesh Chander Kaushal V. Veena Kaushal (1978) 4 SCC 70: (AIR 1978 SC 1807)**, falls within constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India. It is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing and shelter to the deserted wife. It gives effect to fundamental rights and nature duties of a man to maintain his wife, children and parents when they are unable to maintain themselves”.*

5. The aforesaid position was highlighted in ***Savitaben Somabhai Bhatiya V. State of Gujarat (2005) 3 SCC 636 : (AIR 2005 SC 1809)***.

6. In ***Shamima Farooqui vs. Shahid Khan 2015 5 SCC 705***, Hon'ble Supreme Court of India observed that the inherent and fundamental principle behind Section 125 Cr.P.C. is the amelioration of the financial state of affairs as well as the mental agony and anguish that a woman suffers when she is compelled to leave her matrimonial home. It was further observed that, as per law, she is entitled to lead life in a similar manner as she would have



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lived in the house of her husband and as long as she is held entitled to grant of maintenance within the parameters of Section 125 Cr.P.C., it has to be adequate so that she can live with dignity. Lastly, it was noted that, a plea is sometimes advanced by the husband that he does not have the means to pay as he does not have a job or his business is not doing well, but these are only bald excuses and, in fact, they have no acceptability in law as a husband, who is healthy, able-bodied and in a position to support himself is under a legal obligation to support his wife and her right to receive maintenance under Section 125 Cr.P.C., unless disqualified, is an absolute right.

7. This being the position in law, it is the obligation of the husband to maintain his wife. He cannot be permitted to plead that he is unable to maintain his wife due to financial constraints as long as he is capable of earning. Nor can he be absolved on the ground that he is a student. Pursuit of education notwithstanding, the legal obligation to maintain the wife is absolute arising from existence of relationship.

8. Though, in his affidavit of assets, income and expenditure, the husband has claimed that he is not earning anything, learned Family Court, Karnal has noticed that even a daily wage labourer is able to earn around ₹12,000/- to ₹13,000/- per month. The husband is healthy and able-bodied and is not suffering from any disability, therefore, he has to be taken to have the means to maintain his wife. The claim of no income disclosed by the petitioner in his affidavit was thus rightly ignored by learned Family Court. The award of ₹2,500/- per month to the wife is barely sufficient for her survival and there is no ground for further reduction in the award of interim maintenance. Having regard to the earning capacity of the husband, the skyrocketing prices of essential commodities and reasonable wants of the



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respondents, it cannot be held that learned Family Court, Faridabad has gone overboard in assessing the interim maintenance allowance.

9. Even otherwise, there is a delay of 119 days in filing the revision petition, which is sought to be condoned on the ground that petitioner had no knowledge of the period of limitation for filing the present revision petition. The ground, as pleaded in the application for condonation of delay is not *bona fide*. The application for condonation of delay and the revision petition are both dismissed.

10. Pending miscellaneous applications, if any, also stand disposed of.

**(SHALINI SINGH NAGPAL)
JUDGE**

24.03.2026
HS.CHAUHAN

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No