2026:HHC:38491

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.Rev.(FC) No. 68 of 2026

Decided on: 09.09.2026

Naveen Kumar **....Petitioner**

Versus

Indu & another **.... Respondents**

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Hon'ble Mr. Justice Yogesh Jaswal, Judge
Whether approved for reporting?[1]

For the petitioner : Mr. Shakti Bhardwaj, Advocate
For the respondents : Ms. Vandna Thakur, Advocate vice Mr. Surender Kumar Saklani, Advocate

Ajay Mohan Goel, Judge*(Oral)*

Cr. MP (M) No.750 of 2026

Respondents stand served. Ms. Vandana Thakur, learned counsel has put an appearance on behalf of the respondents.

Having heard Mr. Shakti Bhardwaj, learned counsel for the applicant, this application for condonation of delay is allowed. Application stands disposed of.

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Notice. Ms. Vandna Thakur, learned counsel accepts notice on behalf of the respondents. With the consent of the parties, this petition has been taken up today for consideration today itself.

2. By way of this petition, the petitioner/husband has challenged the order passed by the Court of learned Additional Principal

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

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Judge, Family Court, Paonta Sahib, District Sirmaur, H.P in case Reg. No.99 of 2020 dated 08.04.2025, in terms whereof , the petition preferred by the respondents herein i.e. the wife and the minor daughter of the petitioner under Section 125 of the Cr.PC for grant of maintenance has been allowed by the learned Additional Principal Judge, Family Court, Paonta Sahib, H.P by awarding a monthly maintenance allowance of Rs.3000/- to the wife and Rs.4000/- to the minor daughter.

3. Learned counsel for the petitioner has submitted that the petitioner is confining his challenge to the impugned order only qua the findings, which have been returned in para 17. He submits that the findings returned in this para of the impugned order are without any foundation as there is nothing on record to substantiate the same.

4. On the other hand, learned counsel for the respondents has submitted that the findings returned in para 17 of the petition are clearly born out from the record of the case and therefore, there is no illegality and perversity in these findings.

Para 17 of the impugned order reads as under:-

> *"The statements of witnesses analysed on the touch stone of probabilities shows that there was sufficient reason available with the petitioner Indu Devi to leave the company of the respondent and to join her parental house in November 2015 when she was subjected to maltreatment by the respondent and his family members. Therefore, version of the respondent that the petitioner No.1 had herself left his company without any reasonable excuse has not found favour of this Court. Now, it has been established*

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on record that the petitioner No.1 is living separately from the respondent along with child for which respondent is to be blamed due to his own act and conduct, thus, it is to be seen that whether the respondent has made any provision for maintenance of the petitioner has refused to pay any maintenance to them."

5. The contention of the learned counsel for the petitioner is that the respondents did not lodge any complainant of alleged maltreatment either with the police or any other authority and this aspect of the matter has been completely ignored by the learned Court below while returning the findings qua maltreatment of the family members by the present petitioner.

6. Without going into the merit of the issue raised by the petitioner, we are of the considered view that as primarily the grievance of the petitioner is restricted only qua the findings which have been returned in Para 17 of the impugned order, interest of justice would be served, in case this Court observe that the findings returned in para 17 thereof, shall be read to have been returned by the learned Court only for the purpose of deciding the application filed by the respondents under Section 125 of Cr.PC for grant of maintenance allowance and in the event of any further litigation between the parties, advantage thereof, shall not be taken by the parties concerned. Ordered accordingly.

7. With this clarification qua the findings returned in para 17 of the impugned order, this petition is disposed of without interfering with

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the remaining findings returned by the learned Court below i.e. the award of monthly maintenance allowance as has been granted to the respondents. Petition stands disposed of.

8. At this stage, learned counsel for the respondents submits that the order under challenge before this Court has been assailed by the respondents also with regard to the date of grant of maintenance, it is clarified that said issue shall be dealt with by the Court in the petition preferred by the respondents independently.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 09, 2026
(*meera*)

High Court of H.P.

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