IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. Revision (FC) No.29 of 2026
Decided on : 16.09.2026

Vikas Negi **…Petitioner**

Versus

Mamta Kumari **…Respondent**

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. H.K.S. Thakur, Advocate.

For the respondent : Nemo

Ajay Mohan Goel, Judge *(Oral)*

As per report of Registry, the respondent has not been served. Be that as it may, we requested learned counsel for the petitioner to assist the Court on the merits of the case.

2. By way of this writ petition, the petitioner has assailed the order passed by the Court of learned Principal Judge, Family Court, Shimla passed in Cr.MP Reg. No.3823 of 2024 titled Smt. Mamta Kumari vs Vikas Negi in terms whereof, an application under Section 144 of the Bhartiya Nagrik Sanhita Surksha, filed by the

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

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respondent/wife for interim maintenance stands disposed of by the learned Court below by awarding a maintenance of Rs.15,000/- per month from the date of filing of the application till the disposal thereof.

3. Learned counsel for the petitioner argued that the impugned order is per se bad in law as the learned Court below has erred in not appreciating that as the petitioner had several liabilities including the loan etc, which he had taken and also as he was supposed to look after his aged parents, the amount of Rs. 15,000/- awarded in favour of the petitioner/wife was on the higher side. Learned counsel for the petitioner submitted that interest of justice would be served in case the amount is reduced up to Rs.10,000/- per month. No other point was urged.

4. Having heard learned counsel for the petitioner and having perused the order under challenge, we are of the considered view that the impugned order does not call for any interference.

5. The relevant portion of the order, in terms whereof, the amount of Rs.15,000/- has been determined by the learned Court below reads as under:-

> "5. Non-applicant/respondent, being the husband is under legal and moral obligation to maintain his wife. Now question arises what should be the

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quantum of maintenance. Both the parties have filed their affidavits of assets and liabilities. As per applicant Mamta Kumari, she is 36 years old having educational qualification plus two and ITI (Computer Course). Her monthly expenditure is to the tune of ₹30,000/-. She is residing with her father, who is getting pension to the tune of ₹2,870/- per month, whereas, non-applicant is government employee working in Forest Department at Forest Range, Dhalli having assets more than ₹5,00,00,000/- with no liability. As per affidavit of non-applicant/respondent,respondent/non applicant is 40 years old male, graduate in Arts stream. His monthly expenditure is about ₹10,000/-. He claimed that his mother aged 60 years and father aged 68 years are dependent upon him. As per him, his mother is retired from government service and getting pension. He has to spend ₹3,000/- per month on the dependents. He is working as Forest Guard and getting salary of ₹15,900/-. The applicant has placed on record reply given by Forest Department under RTI regarding salary of respondent. As per this document, gross salary is to the tune of ₹49,570/- and net salary is ₹36,834/- in the month of October, 2025. Another document shows his net salary to the tune of ₹35,838/- in September, 2025. Another document is placed on record from SBI showing that respondent is paying EMI to the tune of ₹19,538/- in August, 2025

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towards car loan. Keeping in view all the facts together, I am of the considered view that respondent can spare a sum of ₹15,000/- per month for maintenance of his wife/applicant from the date of filing this application. The application in hand is allowed and respondent is directed to pay a sum of ₹15,000/- per month as maintenance from the date of filing this application till disposal of main petition. The findings here in above shall not be construed as expression of opinion about the merits of the application and confined to this application only. Be tagged with the main case file after due completion. Announced and signed in the open Court on this 9th day of January, 2026."

6. A perusal of this order demonstrates that as per the documents, which were placed before the learned Court below, the gross salary of the petitioner was stated to be Rs.49,570/- and net salary was Rs.36834/-. Neither, it was the case of the petitioner before the learned Court below nor it has been demonstrated before this Court that the respondent was having some other independent source of income.

7. In these circumstances, according to us, an amount of Rs.15,000/- per month awarded as maintenance in favour of the wife, in light of the fact that the husband was having a gross salary of Rs.49,570/-, cannot be said to be on the higher side.

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8. In terms of the order under challenge, the mother of the petitioner is a retired government servant, who was receiving her own pension. Learned counsel for the petitioner could not demonstrate that the findings which were returned in para 5 of the order in general and these particular findings returned by the learned Court below were perverse and not borne out from the record.

Therefore as there is no merit in the present petition, the same is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 16, 2026 (meera)

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