2026:HHC:39113

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.Rev.(FC) No. 50 of 2025
Decided on: 11.09.2026

Naveen Kumar **....Petitioner**

Versus

Ranjana Devi **.... Respondent**

Coram

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

For the petitioner : Mr. Atul Verma, Advocate
For the respondent : Mr. Virbahadur Verma, Advocate

Ajay Mohan Goel, Judge*(Oral)*

By way of this petition, the petitioner/husband has challenged the order passed by the Court of learned Additional Principal Judge, Family Court, Sarkaghat, Distt. Mandi, (Camp at Joginder Nagar), in case Reg. No.55 of 2020 dated 17.07.2025, in terms whereof, in a petition preferred by the respondent/wife under Section 125 of Cr.PC for grant of maintenance, learned Court below has been pleased to award an amount of Rs.7000/- as maintenance in addition to what the wife was getting under the Domestic Violence Act.

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

High Court of H.P.

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2. Learned counsel for the petitioner argued that the impugned order is not sustainable in the eyes of law for the reason that the learned Court below erred in not appreciating that as the petitioner was already paying Rs.5000/- to the respondent under the Domestic Violence Act, additional amount of Rs.7000/- as maintenance in proceeding under Section 125 of Cr.PC was an exorbitant amount. He argued that the petitioner is 40% disabled person and he had aged parents to look after and all these aspects of the matter were ignored by the learned Court below while passing the impugned order. On this count, he prayed that the impugned order be set aside.

3. On the other hand, Mr. Virbahadur Verma, learned counsel for the respondent submitted that the respondent had no source of income except the maintenance that was allowed in terms of the order under challenge and Rs.5000/- she was getting under the Domestic Violence Act and Rs.7000/- in addition to Rs.5000/- was not an exorbitant amount.

4. Learned counsel further submitted that the impugned order was a self-speaking order as to why learned court below had granted Rs.7000/- as maintenance, in addition to what the

High Court of H.P.

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wife was getting under the Domestic Violence Act. He submitted that the learned court below took into notice the factum of the petitioner earning Rs.35,000/- per month and learned court below also took the note of the fact that the parents of the petitioner were retired government employees, who were receiving their respective pensions and thus, were not dependent upon the petitioner. He further submitted that the petitioner and the respondent have no issue and further in the light of the fact that his parents were getting pension on account of both of them being retired government employees, there was no impediment in the petitioner paying the amount of Rs.7000/- as maintenance in addition to Rs.5000/- under the Domestic Violence Act. Learned counsel further submitted that otherwise also in the light of the fact that the prices of day-to-day need items were rising, it was extremely difficult for the respondent otherwise to sustain herself in Rs.5,000/- and therefore also, the amount of Rs.7000/- awarded in terms of order under challenge was just and fair.

5. We have heard learned counsel for the parties and have also carefully gone through the impugned order.

High Court of H.P.

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6. Respondent herein preferred the application for maintenance allowance under Section 125 of Cr.PC, in terms whereof, she prayed for maintenance to the tune of Rs.10,000/- per month. As per the wife, the marriage between the parties was solemnized in the year 2017 and just after a month of marriage, the family of the husband started maltreating her both physically and mentally. According to her, the factum of the husband being a disabled person was concealed from her. Other allegations were also levelled in the application and it was also contended on behalf of the wife that the husband was serving as a regular Conductor in HRTC and was earning Rs.20,000/- per month and he was having sufficient means to maintain his wife. It was in this backdrop that a prayer was made for order of maintenance to the tune of Rs.10,000/- per month.

7. The application was contested by the husband inter alia on the ground that the wife was already receiving Rs.5000/- per month as maintenance under the Domestic Violence Act. Other allegations levelled by the wife were denied in toto by the husband.

High Court of H.P.

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8. To cut the controversy short, in the light of the respective stands taken by the parties before the learned Court below, the learned Court below was pleased to allow the application by awarding an amount of Rs.7000/- as maintenance in addition to what the wife was getting under the Domestic Violence Act. The relevant portion of the judgment is quoted herein below:-

> "35. Coming to quantum of maintenance, the respondent did not file his affidavit but the petitioner has filed the same in compliance with the Hon'ble Supreme Court directive. She has claimed the maintenance of the respondent to be Rs.40,000/- per month. The respondent claim it to be Rs.27,000/- per month. However, the basic pay of the conductor in HRTC is from Rs.20,000/- basic. With passage of time annual increments are granted and also DA and other potential allowances. The basic with 38% DA comes to be Rs.27,000/-. Therefore, the salary stated is the basic salary and not the gross salary. So his income is taken to be around Rs.35,000/- per month. As he has put in more than seven years in service. Further, he has no dependent as both his parents are retire Govt. Employees and receiving pension. So the petitioner is awarded Rs.7000/- as maintenance as additional maintenance of what she is getting in the D.V. Act. The issue is accordingly decided.
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> 36.In view of finding supra, this petition is partly allowed and the respondent is direct to

High Court of H.P.

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> pay Rs.7000/- per month as maintenance in addition to the maintenance being paid in the D.V. Act to the petitioner from the date of filing the petition. The petition is disposed off accordingly. File after due completion be consigned to records."

9. In our considered view, the findings returned by the learned Court below and the maintenance awarded by the learned Court below, in addition to what the wife is getting under the Domestic Violence Act does not call for any interference. It could not be disputed before us that the petitioner, herein, indeed was a regular Conductor in HRTC and his income was Rs.35,000/-per month as is observed in the order under challenge.

10. In fact, the order under challenge is dated 17.07.2025 and with the passage of time, the income of the petitioner must have increased.

11. By that as it may, the ground urged by the learned counsel for the petitioner before this Court primarily that the factum of an amount of Rs.5,000/- being paid to the petitioner under the Domestic Violence Act was not taken into

High Court of H.P.

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consideration by the learned Court below nor the factum of the petitioner looking after his parents, is totally incorrect.

12. We have quoted Para 35 of the order passed by the learned Court below and said para demonstrates that both these issues were taken note by the learned court below in the order. Learned Court below has returned definite findings that the parents of the petitioner were not dependent upon him as both of them were retired government servants and were receiving their respective pensions. In the course of the hearing of this revision petition, learned counsel for the petitioner could not demonstrate that these findings returned by the learned Court below were perverse and not borne from the record. Similarly, as the amount of Rs.7000/- was awarded by the learned Court below by taking into consideration the fact that the petitioner/wife was getting Rs.5000/- under the Domestic Violence Act, it cannot be said that this aspect of the matter was not taken into consideration by the learned Court below while passing the order under challenge.

13. According to us, as the petitioner is employed as a regular Conductor with the HRTC, who is having a monthly income of about Rs.35,000/- per month, an amount of Rs.7000/-

High Court of H.P.

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as maintenance under Section 125 Cr.PC even if the wife was getting Rs.5000/- as maintenance under the Domestic Violence Act, cannot be said to be an exorbitant amount awarded in her favour by the learned Court below.

14. Accordingly, in the light of the above observations, we do not find any perversity in the order under challenge and as we do not find any merit in the present revision petition, the same is dismissed.

15. The amount, which has been deposited by the petitioner with the Registry of this Court, be released in favour of the respondent-wife in her bank account, details whereof, shall be supplied to the Registry of this Court by the learned counsel for the respondent. Pending miscellaneous application (s), if any, also stands disposed of.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 09, 2026 (meera)

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