



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.Rev.(FC) No.12 of 2024

Reserved on: 23.02.2026

Date of decision: 11.03.2026

Pawan Kumar. ...Petitioner.

Versus

Suman Lata & Anr. ...Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?

For the petitioner : Mr. Jagan Nath, Advocate.

For the respondent(s) : Mr. Parikshit Kaushik, Advocate.

Vivek Singh Thakur, Judge

Petitioner has filed this revision petition against order dated 26.07.2024 passed under Section 125 of Criminal Procedure Code, 1973 ('Cr.P.C.') in case bearing *CIS No.43/2017* titled as '*Suman Lata & Anr. Vs. Pawan Kumar*', whereby the Trial Court, i.e. Additional Principal Judge, Family Court, Palampur, District Kangra, has allowed the petition preferred by respondents by awarding maintenance @ ₹9,000/- each per month in favour of the respondents along with cost @ ₹10,000/- payable by the present petitioner.

2. Petitioner has preferred this revision petition mainly on the ground that respondent No.1-Suman Lata (wife) is already in job in a



private school, i.e. Cambridge International School, Pathankot-Mandi Highway, Palampur, and getting salary of ₹18,200/- per month. She is also getting 50% concession on tuition fee of respondent No.2 (son), studying in the same school and the trial Court has not considered this fact at the time of granting maintenance to the respondents.

3. Another ground taken by the petitioner is that he is suffering from Renal Cell Cancer and is undergoing treatment at PGI, Chandigarh. He submits that injections costing ₹1,88,716/- are required to be administered at regular intervals of couple of months and, for this purpose, he has obtained loans, which fact has also not been taken into consideration by the Family Court.

4. It has been further contended on behalf of the petitioner that respondent No.1 had left the company of the petitioner, deserting him on her own volition, and she has sufficient means for her livelihood, as she is in job and getting sufficient salary and, therefore, respondents are not entitled for any maintenance from the petitioner.

5. Learned counsel has also contended that during the pendency of the present petition, petition preferred by the petitioner-husband for his dissolution of marriage bearing *Registration No.146 of 2018* titled as '*Pawan Kumar vs. Suman Lata*' has been allowed by Additional Principal Judge, Family Court, Sunder Nagar, vide judgment



dated 26.07.2025, on the ground of cruelty and desertion on the part of respondent No.1-wife. Therefore, it has been contended that for the findings returned by Additional Principal Judge, Family Court, Sunder Nagar, respondent No.1 is not entitled for maintenance under Section 125 of Cr.P.C., as she herself has deserted the petitioner.

6. Undisputedly, petitioner is serving as Lecturer (School Cadre) in Education Department of Himachal Pradesh. Respondents had preferred petition for maintenance on 02.11.2017. From the salary slips placed on record by the petitioner, his gross salary in March 2017 was ₹34,440/-, in March 2018 was ₹38,948, in March 2019 was ₹44,964/-, in March 2020 was ₹47,827/-, in March 2021 was ₹49,251/-, in March 2022 was ₹66,369/-, in March 2023 ₹68,334/- and in March 2024 was ₹71,886/- per month.

7. As per the salary certificate placed on record by respondent No.1, in April 2016 her gross salary was ₹18,200/- per month. Quarterly school fee of respondent No.2 was ₹8,670/-.

8. In the affidavit filed by the petitioner, it has been admitted that he is getting gross salary of ₹78,390/-, but with claim that he is getting net pay of ₹49,336/-, after deduction of ₹20,000/- towards GPF, ₹6,000/- towards loan of GPF and Income Tax deduction of ₹3,000/-.



It has been further stated that he has to maintain and look after his 61 years old mother, 62 years old father, who is also 60% handicapped.

9. In affidavit filed by respondent No.1, it has been admitted that she is serving in private school, but with submission that her gross salary at present is ₹19,700/- with further submission that she is also looking after minor son of the couple and incurring expenditure towards food and clothing @ ₹6,000/- per month; school fee @ ₹2890/- per month; books & dress @ ₹18,000/- per annum (₹1,500/- per month); tuition fee (Maths & Physics) @ ₹2,000/- per month; mobile recharge @ ₹300/- per month (which is mandatory for joining WhatsApp groups of Principal, Teacher, Parents for project, homework and other school activities); ₹1500/- per month for extra educational, vocational, professional/educational courses, specialized training/skills programme courses proposed by the school; and she has also incurred expenses @ ₹30,000/- for purchasing laptop for school work.

10. It is settled that in a Revision Petition, evidence has not to be reappreciated or reassessed like an appeal or trial, but exercising revisional jurisdiction, impugned judgment can be interfered on the basis of illegality, material irregularity or judicial impropriety in the impugned order/judgment or for conflict of the findings with the relevant provisions of statutes and rules or settled law of land.



11. From the perusal of the record and order passed by the Family Court, it is evident that entire evidence placed on record before the Family Court has been duly considered at the time of passing the impugned order.

12. Admittedly, being a Government employee, the petitioner is entitled for reimbursement of expenditure incurred for his treatment at PGI, Chandigarh. It is also apt to record that submissions made by learned counsel for the respondents, that petitioner has received ₹28,00,000/- as reimbursement for expenditure incurred by the petitioner for his treatment, has not been disputed by counsel for the petitioner, but he made submission hesitantly that petitioner did not receive ₹28,00,000/- in one go, but he has received the amount of reimbursement after a considerable delay.

13. From the perusal of the record and impugned order, it is apparent that Family Court has taken into consideration the private job of respondent No.1 as well as salary received by her for that job along with all other relevant factors, including the expenditure to be incurred for study of the child being looked after by respondent No.1.

14. With respect to plea regarding passing of decree of dissolution of marriage by Family Court, Sunder Nagar, on the ground of cruelty and desertion, it is apt to notice that the said judgment has



been passed by the Family Court, Sunder Nagar on 26.07.2025 and the same was not in existence at the time of passing of order by the Family Court, Palampur in present matter. Even otherwise, it remains undisputed that the said decree of dissolution of marriage has been assailed by respondent No.1 by filing an appeal, which is pending adjudication, and execution and operation of the said decree has been stayed during pendency of the appeal. Therefore, the decree of dissolution of marriage on the ground of cruelty and desertion on the part of respondent No.1 is neither relevant for adjudication of present revision petition nor of any help to the petitioner, as it has not attained finality yet.

15. During pendency of present Revision Petition along with affidavits and supplementary affidavits filed on behalf of the petitioner, documents with respect to medical treatment and application seeking sanction of special demand of budget as financial aid for medical treatment, have also been placed by the petitioner to substantiate the claim of expenditure being incurred by the petitioner and delay in reimbursement of the amount spent by the petitioner for his treatment.

16. As the petitioner is entitled for reimbursement for the expenditure incurred by him for his treatment from PGI, Chandigarh, the documents related to his ailment, treatment and delay in receiving



the reimbursement of the medical expenses are not relevant for adjudication of present *lis*.

17. It is not the net salary taken home by the petitioner which is to be considered, but his gross salary, under the garb of deductions or loan instalments, the petitioner cannot evade his responsibility to maintain his wife and son, particularly when none of the ingredients contained in Section 125 Cr.P.C., disentitling respondent No.1 from receiving maintenance, have been proved by leading cogent, reliable and convincing evidence.

18. Keeping in view the gross salary of the petitioner ranging from ₹38,000/- to ₹78,000/- per month from 2017 till date, the meagre salary of respondent No.1, which is about ₹18,000/- per month, and also the fact that the son of the couple is being looked after by respondent No.1, we do not find any infirmity or excessiveness in determining maintenance of ₹9,000/- each per month in favour of the respondents. On the basis of the material placed on record before the Family Court, we find there is no error of fact or law or illegality in the impugned order.

19. In view of above discussion, we are of the considered opinion that there is no merit in the contention raised by the petitioner



and no ground for interference is made out by exercising the revisional jurisdiction and accordingly, the petition is dismissed.

20. Pending miscellaneous application(s), if any, also stands disposed of in the same terms.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

11th March, 2026
(Pardeep)