

Copy of Judgment

HRSO010139852022



Presented on : 20-10-2022
Registered on : 20-10-2022
Decided on : 09-03-2026
Duration : 3 years, 4 months, 20 days

IN THE COURT OF
Principal Judge, Family Court, Sonipat
Presided Over by **Kuldeep Singh**
UID No.HR0158

MNT/295/2022



1. Smt. Sunaina wife of Sh. Sachin Maan,
2. Parushi Maan D/o Sh. Sachin Maan, through her guardian and mother
Smt. Sunaina, both R/o 22-A, Sujan Singh Park, Sonipat.

...Petitioners.

Versus

Sachin Maan, age: 36 years, S/o Shri Mahendra Maan, permanent
resident of 428/2, Near Shishu Wala Talab, Mundaka, Delhi.

Also at Ecolab Inc. 360 Wabasha Street N. Saint Paul MN
55102, United States of America.

....Respondent.

**Petition under Section 125 of the Code
of Criminal Procedure**

Argued by: S/shri Parveen Malik & Rohit Kumar, Advocates for petitioners
and on behalf of SPA holder Sumit Saroha.
S/shri Satish Chander & Atul Jain, Advocates for respondent.

JUDGMENT:

Smt. Sunaina (wife) and Parushi Maan (minor daughter) of

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respondent Sachin Maan have moved this petition under Section 125 of The Code of Criminal Procedure for grant of maintenance against him.

Case of Petitioners:

2. It is case of petitioners that petitioner no.1 is legally wedded wife of respondent. She was married to respondent on 16.04.2016 as per Hindu rites and ceremonies. Marriage was duly consummated and one child, petitioner no.2 was born out from this wedlock. At the time of marriage, petitioner no.1 was working as Resource person in Samagra Siksha Abhiyan at Delhi and the respondent was working as a Consultant in Tata Consultancy Services. The respondent impressed upon the parents of petitioner no.1 that he needs a girl of his social background for marriage. As soon as marriage was fixed and respondent and his family members started demanding dowry at a pre-condition to the marriage. The father of respondent specifically purchased (Refrigerator, Television, Air conditioner, Bed, Sofa, Washing Machine, Microwave Oven, Almirah, Dressing Table, Small side Table, Centre Table etc.) and handed over to the list of articles so purchased and its bill which amounted to Rs. 2,74,000/-. On making demand by the family members of respondent, father of petitioner no.1 handed over a cheque of Rs. 4,00,000/- to father of respondent for purchasing a car.

3. It is further the case of petitioners that marriage of the parties was solemnized at Rathdhana Road, near Kusum Gas Agency, Sonapat and all the expenses were borne by the parents of the petitioner no.1. The father

and brother of petitioner no.1 left no stone unturned to satisfy the greed/demand of dowry made by the respondent's family. However, they were never satisfied and their greed of dowry kept on increasing day by day. Petitioner No.1 was harassed by the family of respondent right from the day of marriage either in the name of dowry or on many other pretexts, which includes the demand of full salary of petitioner by the mother of respondent.

4. It is submitted that after the six months of marriage, respondent went to USA for his work project, then all the family members of respondent started torturing to petitioner no.1 in various ways. Before leaving for the USA, the respondent pressurized petitioner no.1 to transfer money of Rs. 4.00 lakhs for the purpose of purchasing a flat in Dwarka, New Delhi. Petitioner no.1 transferred the aforesaid amount as demanded by the respondent and his family members however, despite that they were not happy.

5. It is further the case of petitioners that in December 2016 Petitioner No. 1 went to USA where the respondent was working. Initially everything was normal between them. But after some time respondent also started taunting her as family members of respondent always instigated him against her on phone. After returning from USA, mother-in-law, father-in-law of petitioner No. 1 continuously tortured her by hook and crook, father-in-law, mother-in-law and sister-in-law (Jethani) of petitioner No.1 continuously tried to create friction between petitioner No.1 and respondent.

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6. It is submitted that petitioner no 1 gave birth to petitioner no. 2 in September 2019 in U.S.A. She claimed that her father-in-law and mother-in-law started torturing and commenting her for giving birth to a baby girl i.e. petitioner no.2. After the birth of petitioner no. 2, she returned India from USA on 27th February 2020. But, unfortunately fell sick due to environment changes. But the family of respondent did not take her to any doctor and asked to go to their parental home.

7. On 15th March 2020, petitioner No. 1 came to her parental home with petitioner No. 2 for 1 week and got treatment from her family expenses. After recuperating from illness, when she expressed her desire to return to her matrimonial home, parents of respondent refused to bring the petitioner no. 1 and told that she would not be allowed to stay at their matrimonial home because the respondent had already rejected her.

8. On 13th April 2020, petitioner no. 1 messaged to respondent that petitioner no. 2 has developed a complication in her urination, the respondent carelessly told her that he does not care, and she must fend off with all these problems. Respondent called petitioner no.1 to complain that she did not wash the Hannu's hands which were soiled with stool, "tune hannu ke potty ke hath nahi dhoye" and also complained that "teri maa ne maafii nahi maangi, is live hum to talaq lenge". The petitioner reverted that "talaq lena gudde gudiyon ka khel nahi hai, mai support nahi karungi."

9. On 11th May, the respondent went to USA and on asking told

her that he wanted divorce pnri said "mere ghar wale lockdown ke baad bat kar lenge". It is clear from the whatsapp communication between the petitioner no. 1 and respondent that he wanted to desert her by any means.

10. It is further the case of petitioners that from day one of marriage, the father-in-law and mother-in-law of petitioner no. 1 always instigated respondent so that he be deserted the petitioner no. 1 from their matrimonial home and they can remarry their son with the sister of Mamta (jethani) and so, that they can get a hefty amount of dowry.

11. Petitioner No.1 further submitted that respondent applied for the annulment of Marriage by moving a petition under Sections 13(1)(i-a) & (i-b) of HMA. Prior to March, 2020, when petitioner No.1 went to her parental home, respondent did not take care of the needs of the petitioners. During her pregnancy, almost all the expenses were borne by petitioner no. 1 herself and the respondent did not, pay any attention to the requirements of petitioner No.1.

12. She further submitted that respondent has failed to properly maintain the petitioners right from the beginning. The respondent despite being employed with a reputed company with a lucrative salary has been shying away from maintaining the petitioners which is his legal and moral responsibility. Petitioners are living away from matrimonial home and have been incurring huge cost of living.

13. Petitioner no. 1 has been bearing the burden of all expenses of

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the petitioner no.2 right from the beginning. Except for a few sporadic instances, the respondent has not paid any expenses of the petitioners. She submitted that with passage of time, the expenses required to maintain the good upbringing of petitioner no.2 is increasing day by day and she is not able to afford the same. Respondent is a man of status and is employed with Tata Consultancy Services and has been serving it in the capacity of Associate Consultant with handsome salary.

14. Petitioner no. 1 has been taking care of petitioner no.2 from her own means and resources. She has been taking help from her parents and brother for proper upbringing of petitioner no.2 as salary of petitioner no. 1 is not up to the mark which could give petitioner no. 2 the upbringing which she needs being an U.S. citizen. Petitioner no. 2 has a bright future in U.S.A. and therefore needs to be taken care of accordingly. The resources of petitioner no. 1 are grossly insufficient, especially in view of the fact that she had been doing contractual job having no financial security. On the other hand, respondent is getting a handsome salary and he also gets paid for the upbringing of the child as well. In December 2022, petitioner no.1 left her contractual employment with Samagra Shiksha Education Department, Government of NCT of Delhi and went to USA for her higher education. Petitioner No.1 is currently pursuing Quantitative Finance at The University of Texas at Arlington and the academic session commenced from 17.01.2023 and would end on 31.05.2025. Therefore the estimated average cost of

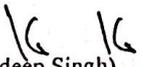
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education for nine months is \$41230 US Dollar which is about Rs.34,39,833/-of Indian Rupees (INR). Therefore, monthly expenses of petitioner no.1 after joining university in the USA is about Rs.4,00,000/- per month. On the other hand, the petitioner No.1 is not earning and presently all her educational expenses are borne by her brother, mother and other family members and kins.

15. Petitioner No.2 Parushi Maan (daughter of respondent) has also joined the school in Sonipat since January 2023 and her monthly expenses has shoot up and presently the monthly expenses of the petitioner no.2 is around Rs.50,000/- per month which includes the School fees, foods, clothes and other expenses. On the other hand, respondent is earning about \$87000/ US Dollar per annum which is equivalent of Indian to Rs.73,00,000/-rupees (INR), but he did not bother to pay even a single penny towards the maintenance of petitioners till date. He has no liabilities except to maintain the petitioners. He has refused and neglected to maintain the petitioners. A sum of Rs.2.50 lakhs per month is therefore sought as maintenance allowance along with litigation expenses. Hence, this petition.

Case of Respondent:

16. Upon notice, the respondent appeared and filed reply to the petition. He has admitted factum of marriage and blessing of one child. However, respondent has vehemently denied all the allegations levelled against him and his family members. Respondent were looking for a


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suitable match since March 2015 when family of petitioner no.1 was referred by one of the friends of father of respondent namely Shri Kishan Singh Dahiya, who lived in the neighborhood and was known to both the families. Initially, parents of petitioner no.1 alongwith Shri Kishan Singh Dahiya came to respondent's residence and thereafter respondent went with his parents to see the petitioner no.1.

17. The parties met each other formally at petitioner's residence for the first time in February 2016 and respondent saw petitioner no.1. In the said meeting it was put in the knowledge of respondent that petitioner no.1 is a guest teacher and works for Delhi Government Education Department. At that time it was specifically put in the knowledge of petitioner no.1 and her parents by father of respondent that respondent works in U.S.A. and will be travelling back and forth. Petitioner no.1 and her parents did not have any objection with the same. Respondent preferred petitioner no.1 presuming that she will be able to strike and maintain a balance between the marital and family relations. Respondent and his family gave a ready consent to the alliance. Petitioner no. 1 also consented to the said alliance.

18. Thereafter, family of the parties announced the alliance formally to other family members and friends by performing a simple ceremony and exchanged sweets. After formal announcement of alliance respondent spoke frequently with petitioner no.1 and also met her a few times. Petitioner no.1 always interacted in her local language with the

respondent. The respondent surprised that petitioner no.1 by purchasing expensive presents her vis. expensive attire, accessories including footwear, wrist watch, and dress material etc., During that period, petitioner no.1 told him that she had never witnessed such freedom and lavish lifestyle before she met the respondent as she had never gone outside Sonipat and had been commuting by local trains to her work place.

19. He submitted that petitioner no.1 was extremely happy in the company and society of respondent. Respondent empathized with petitioner no.1 and assured her that he will not only take good care of her, but also with let her experience new things in life. Respondent also took petitioner no.1 for selecting dresses to be worn on marriage and other ceremonies. A simple ring ceremony was arranged by the family of petitioner no.1 on 16.04.2016 during afternoon and in the evening of 16.04.2016 the pheras were arranged as per Hindu Vedic rights and ceremonies in a plot, in Sonipat in a very simple manner by pitching tents and the marriage between the respondent and petitioner no.1 was solemnized after the completion of seven pheras.

20. The marriage had been a low-key affair and only 25-30 persons from respondent's side attended the marriage ceremony. The petitioner no.1 was given few gold ornaments, gifts and presents from her parents and relatives as per their wish and desire and there had been no demands either by the respondent or his parents or any person associated with them from petitioner no.1, her parents and any person associated with family of


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petitioner no.1.

21. The parents of petitioner no.1 had arranged a simple dinner for the guests. He admitted that parents of petitioner no.1 gave a cheque of Rs.4,00,000/-, but the same was given to petitioner no.1 and was in the name of petitioner no.1 only and after the marriage, when the respondent was facing some financial crises, then only it used by respondent in making payment of installment of a flat for the comfort of petitioner no.1 only with the sweet wishes and consent of petitioner no.1.

22. The cheque amount was not used by respondent or his family in purchasing of alleged car. It is pertinent to mention here that just after coming out from the financial crises, the respondent returned the same by depositing in account of petitioner no.1 in the month of August and September 2017. The items were given by the parents of petitioner no.1 with their own wishes to petitioner no.1.

23. It is submitted that the said marriage had been a low-key affair and only 25-30 persons from respondent's side attended the marriage ceremony. Moreover, respondent arranged a grand Reception on 18.04.2016 in Vatika, Rohtak Road, Ghewra, Delhi with total 400 guests, approximately, the following day to formally welcome of new bride into his life and family. Respondent did not want any financial burden upon the family of petitioner no.1 with any marriage expenditure therefore he invited most of his guests at reception only. Respondent paid for all funds for reception function.

24. The father and brother of petitioner no.1 did not left any stone to be unturned but the same were unturned by them only in spoiling their matrimonial life as there always remained a great interference in provoking the petitioner no.1 against the respondent and his family members.

25. He submitted that petitioner no.1 was never been harassed or humiliated by the respondent or his family members at any point of time, rather she was showered with love and affection by respondent and his family members. The parents of respondent treated her as of their own daughter. There was/is no occasion or reason with the petitioner no.1 to make any kind of complaint as she was already treated by him and his family like a fairy. After the marriage, the petitioner no.1 and respondent went for honeymoon to Andaman and Nicobar islands for 5-6 days arranged by him from his own funds. He went to famous destinations and booked expensive hotels near Islands. The respondent incurred expenditure an of approximately Rs.1,50,000/ on the said trip. Petitioner no.1 remained very happy during this trip and he also looked forward to a blissful married life with her. The respondent was to join back his office in September 2016. Being a caring and loving husband, the petitioner no.1 to respondent wanted accompany him to America.

26. Respondent took petitioner no.1 to Embassy's office to complete visa formalities and procedures. However, the respondent shocked was to realize that the petitioner no.1 was unable to speak even one proper

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sentence in English language. He saw that petitioner no.1 struggled with English language, so, he without belittling petitioner no.1 helped her in communication skills to complete visa formalities. It was difficult for respondent to acknowledge that though a teacher by profession, petitioner no.1 was unable to speak or write one proper sentence in English. The respondent avoided to cause any discomfort the petitioner no.1 did not put any question to her on the above said topic. Respondent being of considerate nature took extra care to get the visa approved as he wanted his life partner to be with him. However, he empathizing with petitioner no.1 and her family background, showered unadulterated time and affection to her in copious means being in America and tried to improve her language skills.

27. He introduced a completely new world to petitioner no.1 considering the fact that she did not go anywhere outside Sonipat and even commuted to office by boarding local trains. Respondent helped her in buying branded clothes, both Indian and Western, expensive accessories and attire for the petitioner no.1 of her choice. Respondent also took her to many places within America i.e. Colorado, Florida, New York City as he was based in America, the parties stayed, for a period of six months every year in America and second half of the year with petitioner no.1 stayed with respondent's family. However, to the utter dismay of respondent and his family, she was not satisfied either with the respondent not with his family members for the reasons known to her or wanted the respondent and his

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family members to behave as per her dictates. He came back to India in February 2017 on the occasion of retirement of his father and stayed back for a month.

28. He went to America in March 2017. Petitioner no.1 joined him in September 2017. Neither he nor his family member asked petitioner no.1 to contribute financially to the household expenses. The salary of petitioner no.1 was completely utilized by her. In fact the respondent had been depositing amounts in the bank account of petitioner no.1. Respondent denied that he pressurized her to transfer the alleged money. Amount of Rs.4.00 Lakhs was being used by respondent only in making payment of installment of flat, which was purchased by him and his family only for the comfort and better future of petitioners only. Petitioner no.1 has levelled false and frivolous allegations on him and his family members.

29. When petitioner no.1 conceived for the second time in the beginning of 2019. He and petitioner No.1 came back in March, 2019. The petitioner no.1 and respondent came back in March 2019. The respondent had planned the delivery dates in such a manner and arranged petitioner no.1 visit to America so that the delivery happens and the child becomes an American Citizen, irrespective of the gender. The petitioner no.1 gave birth to girl child, later named Parushi, in America on 30.09.2019. During the stay of petitioner no.1 and Respondent in America, he arranged travel for his parents to America to support petitioner no.1, who was in delicate state of

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health. The mother of respondent carried 15 kg of desi ghee from India and customary sweets including "goond ke ladoo" healthy things for the petitioner no.1 to eat. The parents of respondent stayed in America for around six months post-delivery take complete postpartum care of the petitioner no.1. The petitioners and respondent came back to India in first week of March 2020. To the utter dismay of respondent, no one in the family of petitioner no.1 congratulated either to respondent or his parents on the birth of child i.e. petitioner no.2.

30. They did not arrange any ceremony leave alone any function to welcome the newly born member into their family. No sweet boxes were given to him, who had become a father. The elder brother of respondent with much humility, despite such rude behavior of family of petitioner no.1, went with sweets to the parental house of petitioner no.1 in Sonapat. He was disrespected with taunts and tears and was even asked to leave the house. He filed a petition seeking custody of petitioner no.2.

31. The respondent telephoned the petitioner no.1, but she did not attend any calls. The whatsapp chat for said period i.e. 04.07.2020 to 04.02.2022 is enclosed, which clear that she had no intention to join back the company and society of respondent and petitioner no.1 had willfully unjustifiably and unreasonable deserted the respondent. She again went to her matrimonial home in November 2020 to collect documents of the minor child i.e. petitioner no.2 for purpose of Overseas Citizenship Identification

card. He extended complete cooperation. Petitioner No.1 without paying any heed took her remaining jewellery, clothes and went with her brother.

32. Respondent submitted that under compelling circumstances, he had to file the divorce petition as the physical and mental torture of the petitioner no.1 had become unbearable to the respondent and his family members because the petitioner no.1 during her period of stay in the matrimonial home, spent most of her time talking to her mother. When not talking to her mother, she remained busy in her work. Petitioner no.1 did not cook any meals not participated in any household activity and never lived like a family member. The petitioner no.1 did not do any household chores and neither participated in family conversations and lived like a foreigner in her matrimonial home. The meals were cooked by the elder Bhabhi of the respondent and were served to the petitioner no. 1. Petitioner no.1 ate her meals on her floor only and did not sit with parents of respondent. The petitioner no.1 kept her floor clean and did not involve herself in any other activity related to the house.

33. Respondent claimed that petitioner no.1 never initiated herself to do anything towards shouldering household responsibilities or extending any help towards family members of the respondent. Petitioner no.1 never participated respondent's family or never followed any rituals or customs of the respondent's family. Petitioner no.1 was very hostile, stubborn and behaved in manner and proclaimed that she had her own rules and timings

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for everything. Respondent shocked to know that the petitioner no.1 was a pathological liar and took different stance on same topic to her things done, before the respondent and his parents thereby creating immense confusion within the family thereby humiliating embarrassing the respondent before his own family members.

34. The commission of the constant humiliations faced by respondent because of the acts committed by the petitioner no.1 and has inflicted immense cruelty upon the respondent and the emotional substratum of marriage has ended besides the commission of acts of cruelty and defamation, petitioner no.1, alongwith the minor child, had been living separate from the respondent since 15.03.2020. The petitioner no.1 thereafter committed further acts as afore stated, took all her valuables, documents, istridhan, clothes and had no intent to join back the company and society of the respondent. The parties to the marriage have not maintained conjugal relations since 15.03.2020 and have not lived like husband and wife. After 15.03.2020 the petitioner no.1, who is already employed with the Education Department under Delhi Government Administrative Services, as a Guest Teacher, has not raised any claims of maintenance from the respondent unto the filing of the present petition. The petitioner no.1 has not only caused mental cruelty upon the respondent by keeping him away from the marital bliss but has also intentionally kept his minor daughter away from him thereby aggravating his mental cruelty.

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35. Respondent admitted that he is employed with Tata Consultancy Services, but he is having much more responsibilities upon his shoulders of his family including her old age parents. However, respondent always maintain the petitioners as per his financial position and tried to give all comfort to the petitioners, but it was/is the petitioner no.1, who never mend her ways and always took undue advantage of the simplicity of the respondent and his family and ultimately left the society of the respondent without any cause and reason. He filed a petition seeking the custody of the petitioner no.2 and is ready to take care of his minor daughter i.e. petitioner no.2. Petitioner no.1 is outside India and could be earning around 2-3 lakhs per month, petitioner no.1 is with her Mama and Mami and petitioner no.1 is not entitled to get any relief from him.

36. Respondent further submitted that it is self admitted by the petitioner no.1 that she left her job in December 2022, whereas the present petition was filed on 20.10.2022 by the petitioners and for that reason the present petition on behalf of petitioner no.1 is not maintainable as the petitioner no.1 was in job at the time of filing the present petition and this fact was concealed by the petitioner no.1 from the Court and had filed the present petition just to harass and humiliate the respondent. It is further stated that if the petitioner no.1 left India for higher education as alleged in this para then the same is/was without the knowledge and respondent and this fact was not disclosed by anyone before this Hon'ble Court till

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11.12.2023. It is further stated that if the petitioner no.1 went to USA for higher studies as alleged in this para then the same is for her own wish and the respondent have no knowledge regarding the factum of the same. With these averments all the facts mentioned in the petition are stated to be wrong and denied and dismissal of the petition is prayed for.

37. PW1 Sumit Saroha (SPA) and brother of petitioner no.1 stepped into the witness box as PW1 and tendered his affidavit Ex.PW1/A wherein he reiterated the averments of instant petition. He tendered the documents Mark-A to mark-M. On the other hand, respondent himself appeared in the witness box as RW-1 and tendered his duly sworn affidavit Ex.RW1/A and reiterated the contention of his reply. He also tendered the documents Annexure-R1 to Annexure-R23 and counsel for respondent closed the respondent's evidence on 04.07.2025.

I have heard learned counsel for the parties and have perused the case file carefully.

38. Learned counsel for the petitioners has argued that the petitioner no.1 was earlier teacher on contract basis in Delhi Government, but she left the job in December, 2022, so, as to pursue her further higher studies in USA, where recently she completed her master degree, but she is still unemployed. Petitioner no.2 has been residing with parents of petitioner no.1 at Sonipat, so, both the petitioners have no source of income for their monthly maintenance.

39. Petitioner No.1 has submitted an affidavit qua the fact that she is not earning after resignation. The respondent has been working in USA. Respondent a man of means and an able bodied person, is bound to provide maintenance to the petitioners. Respondent is earning Rs.73,00,000/- (\$88700) per annum. Therefore, a sum of Rs.2.50 lakhs per month be granted as maintenance to the petitioners. In support of claim they have relied upon *Kanupriya Sharma vs. State & anr. CRL.REV. Pet.849/2018, D.O.D. 31.05.2019 (Delhi High Court)*; *Annurita Vohra vs. Sandeep Vohra, CR71/2002, D.O.D. 15.03.2004 (Delhi High Court)*; *Subhash vs. Mamta @ Raksha, MAT.APP(F.C.) 195/2025, D.O.D. 26.05.2025 (Delhi High Court)*; *Binita Dass vs. Uttam Kumar, CRL.REV.P. 659/2017 & Crl. M.A. 14463/2017, D.O.D. 09.08.2019 (Delhi High Court)*; *Sh. Lalit Mohan Mahara vs. Smt. Meenakshi Mahara & anr. CRL.REV.P.(MAT) 50/2024 & CRL.M.A.29468/2024, D.O.D. 01.07.2025 (Delhi High Court)*; *Satish Kumar vs. Meena, 2001, Supreme (Del) 999*; *Tasmear Qureshi vs. Asfia Muzaffar, CRL.REV.P. (MAT), 123/2024, D.O.D. 29.10.2025 (Delhi High Court).*

40. On the other hand, learned counsel for respondent has resisted the claim of petitioners while submitting that the averments made in the petition are totally false and concocted one. Parties have been living separately since 15.03.2020, whereas the petition was filed only in October, 2022 before that not a single application was moved for maintenance.

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Petitioner no.1 was earlier in job, but she left the job in 2022 intentionally at her own. She was already having three master degrees with her, but despite the fact she intentionally left the job and shifted to USA by leaving the child on the mercy of her parents. Petitioner no.1 is already well educated lady. Even her course has been completed in June, 2025, but still she is in USA and has not come yet and this fact itself shows that she is earning there. The respondent is not at all to give maintenance to her of USA when he lived for short period and even in India on account of her higher education and capability to maintain herself. Lastly, a prayer for dismissal of the petition and has relied upon **Rajnish vs. Neha, AIR 2021, SC 569; Mamta Jaiswal vs. Rajesh Jaiswal, 2000 SCC online MP 580 and Damanreet Kaur vs. Indermeet Juneja & anr. 2012 SCC Online Del.2811,**

41. In this petition for grant of maintenance under Section 125 of the Code of Criminal Procedure, this court has to adjudicate on the following point:-

Whether petitioners are entitled to maintenance?

42. It is pertinent to mention here that the salutary purpose, previously under Section 125 of Code of Criminal Procedure, is to grant maintenance to the wife and children, who are unable to maintain themselves. An able bodied person, if having sufficient earnings as well as capacity, should pay maintenance to his legally wedded wife and children, which is their right as has been settled time and again. The purpose of grant

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of maintenance is to avoid destitution and vagrancy of estranged wife and children.

43. Section 125 of Cr.P.C. is a measure of social justice extended to protect women and children, the object to prevent vagrancy and destitution.

It provides speedy remedy to deserted and helpless women. To establish their claim, it was incumbent upon the petitioners to prove : **first** the petitioner no.1 is wife and petitioner no.2 is daughter of respondent; **second** petitioner no.1 is unable to maintain herself and her child; **third** they have been living separately for a sufficient cause; and **fourthly** the respondent, despite means, has neglected and refused to maintain them.

44. Coming to the facts of the case in hand, admittedly petitioner no.1 is the wife and petitioner no.2 is daughter of respondent and by virtue of this relationship, they are entitled for maintenance, in case, they are unable to maintain themselves. A perusal of the pleadings as well as affidavits of income, assets and expenses submitted by both the parties show that petitioner No.1 has already filed a complaint under D.V. Act & a criminal case under Section 498-A of IPC at Sonipat, whereas respondent has filed a divorce petition as well petition for seeking custody of petitioner no.2 under Guardianship Act at Delhi. Litigations between the parties are on cards and they are not at all on good terms. So, there are numerous reasons in addition to this litigation as well as facts mentioned in the petition that their relations are not cordial, so, there are sufficient reason for petitioner

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no.1 to live separate from her husband. Moreover, there is no evidence on the record yet to prove that petitioner no.1 has intentionally refused to live with respondent.

45. The marriage between the couple on 16.04.2016, visiting of respondent to USA in October, 2016, moving of petitioner no.1 in USA in December, 2016, blessing of petitioner no.2 in September, 2019, coming back of petitioner no.1 from USA on 27.02.2020 on account of Covid-19 and separation of both the parties on 15.03.2020 are admitted facts of the case. It is also on the case file that respondent was a frequently visitor to USA on account of his job in Tata Consultancy as Engineer.

46. This couple is well qualified. Petitioner no.1 is MA (Economics), Msc.(Math.) & M.Ed. She was doing the job of Resource person in Samagra Siksha Abhiyan at Delhi on monthly salary of Rs.55,878/-. She was earlier in job when she was married. She was still in job when she filed the instant petition on 20.10.2020, whereas petitioner no.1 left the job in December, 2022 and shifted to USA for pursuing her master degree in Quantitative Finance at The University of Texas at Arlington, being sponsored by her sister living in Texas. The duration of course commenced from 17.01.2023 to 31.05.2025. Petitioner no.1 completed her master degree in USA. It is also admitted fact that she did not return in India till date. She has completed four master degrees (three master degrees from India and one master degree in USA). So, the higher education

qualification of petitioner no.1 and living in USA still is on file. Petitioner no.1 was doing job earlier and she is having experience of teacher and she was not idle at all. She was not idle before marriage, at the time of filing of this petition, even when she filed this petition, she was in job. She never left the job to look after the needs of family.

47. So, completion of further higher studies of petitioner no.1, significantly has enhanced her employ-ability. She never sought maintenance earlier from 15.03.2020 till filing of this petition from respondent. She was sponsored by her family members and this fact itself shows strong financial support to her. Section 125 of Cr.P.C. aims to prevent vagrancy/destitution on account of failure of the marriage and not to provide a lifelong subsidy or equalize lifestyle when the wife is well qualified.

48. Respondent is just B.Tech. Though, he is having good experience as he joined his job in Tata Consultancy on 04.09.2008, but he is also earning good. The case file also shows that he remained in USA in 2023-2024 (from 26.02.2023) and his deputation for project was completed in December, 2024. Annexures R1 to R4, shows the salary statement. Annexure R3 shows his two salary statement (April 2022 to March 2023 in Indian rupees, when he was in India) and salary in crores when he was in USA in 2023-24 (from April 2023 to March 2024 only). Annexure R4 shows his income of Rs.1,34,320/- in April, 2023 and Rs.1,11,217/- in November,

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2023. Annexure R12 is a salary slip of November, 2023. In affidavit of income, assets and liabilities, the respondent has mentioned his income in the following manner (in rupees).

Sr. No.	Income/ in year - 2016	2020	2024
1.	63074 (net)	96015 (India)	116932
2.	(Net)	339304 (U.S.A.)	389504
	Gross	475668(U.S.A.)	605980

49. The respondent has also admitted his income in USA as 88,700 US Dollars per year. There is nothing on record that respondent remained in USA after December, 2024. He was deputed there by company from 27.02.2023

50. There is no document on the case file showing that child-petitioner no.2 is school going, but on account of her age, it is expected that child must be a school going student and she has been residing with her maternal grand parents at Sonipat.

51. The petitioners in original pleading filed on 03.10.2022 demanded Rs.10,000/-+30,000/-per month maintenance. In subsequent pleading filed on 11.12.2023 they demanded Rs.1,50,000/-+40,000/-and in pleading amended on 12.07.2024, they demanded Rs.2,00,000/-+50,000/- maintenance per month.

52. Once this is the situation regarding higher education of petitioner no.1, having experience of earlier job and her high potential/ability, then in that circumstances, whether she is entitled for

maintenance, the answer is "NO".

53. She is having three master degrees of India and one master degree in USA. She was in job at the time of marriage and even at the time of filing of this petition. She left the job only in December, 2022 at her own only when the assurance & sponsorship and study-Visa at USA was approved. She never left the job to look after the needs of family and the pleading to this effect is also no where. There was no consent of respondent for this higher study and its expenses of petitioner no.1. It was her sole/self decision to leave the job in India and to shift in USA for her ambition only on account of her good family support and better financial conditions.

54. In "Mamta Jaiswal vs. Rajesh Jaiswal's case (supra), the Hon'ble High Court of Madhya Pradesh has observed that a well qualified spouses desirous of remaining idle, not making efforts for the purpose of finding out a source of livelihood, have to be discouraged, if the society wants to progress. It was further observed

"In view of this, the question arises as to in what way Section 24 of the Act has to be interpreted. Whether a spouse who has capacity of earning but chooses to remain idle, should be permitted to saddle other spouse with his or her expenditure? Whether such spouse should be permitted to get pendente lite alimony at higher rate from other spouse in such condition? According to me, Section 24 has been enacted for the purpose of providing monetary assistance to such spouse who is incapable of supporting himself or herself in spite of sincere efforts made by him or herself.

53. A spouse who is well qualified to get the service immediately with less efforts is not expected to remain idle to


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squeeze out, to milk out the other spouse by relieving him or her of his or her own purse by a cut in the nature of pendente lite alimony. The law does not expect the increasing number of such idle persons who by remaining in the arena of legal battles, try to squeeze out the adversory by implementing the provisions of law suitable to their purpose. In the present case Mamta Jaiswal is a well qualified woman possessing qualification like M.Sc., M.C. Ed. Till 1994 she was serving in Gulamnabi Azad Education College. It impliedly means that she was possessing sufficient experience. How such a lady can remain without service?

54. It really puts a bug question which is to be answered by Mamta Jaiswal with sufficient cogent and believable evidence by proving that inspite of sufficient efforts made by her, she was not able to get service and, therefore, she is unable to support herself. A lady who is fighting matrimonial petition filed for divorce, cannot be permitted to sit idle and to put her burden on the husband for demanding pendente lite alimony from him during pendency of such matrimonial petition. Section 24 is not meant for creating an army of such idle persons who would be sitting idle waiting to be awarded by her husband who has got a grievance against her and who has gone to the Court for seeking a relief against her. The case may be vice versa also. If a husband well qualified, sufficient enough to earn, sits idle and puts his burden on the wife and waits for a 'dole' to be awarded by remaining entangled in litigation. That is also not permissible. The law does not help indolents as well as idles so also does not want an army of self-made lazy idles. Everyone has to earn for the purpose of maintenance of himself or herself; at least, has to make sincere efforts in that direction.

55. If this criteria is not applied in letter and spirit, there would be a tendency growing amongst such litigants to prolong such litigation. There is nothing wrong in a spouse who has sufficient means to move away after an emerging litigation. It surely is a dear but far better course since efforts of amicable settlement between the parties are very happy and will be possible only if the efforts because the lazy spouse would be reaping the money in the nature of pendente lite alimony, and

would have no incentive to find out a source of livelihood for himself or herself for any activity to support and maintain himself or herself. That cannot be the purport of a law. Section 24 of the Hindu Marriage Act is enacted for needy persons who are unable to support and maintain themselves and are therefore required to fight out the litigation jeopardising their hard earned income by toiling long working hours.

56. In the present case, wife Mamta Jaiswal, has been awarded Rs. 800/- per month as pendente lite alimony and has been awarded the relief of being reimbursed from husband whenever she makes a trip to Indore from Pused, District Yeotmal for attending Matrimonial Court for date of hearing. She is well qualified woman once upon time obviously serving as lecturer in Education Collège. How, she can be equated with a gullible woman of village? Needless to point out that a woman who is educated herself with Master's degree in Science, Masters Degree in Education, would not feel herself alone in travelling from Pused to Indore, when at least a bus service is available as mode of transport. The submission made on behalf of Mamta, the wife, is not palatable and digestible. The smells of oblique intention of putting extra financial burden on the husband. Such attempts are to be discouraged".

55. In this case, the status of the parties as comparison to both, it is the petitioner no.1 who is on high pedestal. As per her affidavit, she has a plot of 1000 sq. yards at Jagdishpur Near O.P. Jindal University (as per counsel for respondent, the costs of this plot is of 4/5.00 crores and petitioner no.1 is fetching rent from this property, however, there is no strict proof to this effect). She was earlier having the independent source of income being employed in Delhi Government. She was sponsored by her family members, which shows again her good financial status and in USA,

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her sister has been not only sponsoring her study, rather, she is keeping her at home and bearing expenses of petitioner no.1.

56. It is seen that in foreign country, nobody sit idle, even the student. It is in the habit of all the people living there to do work along with their studies. However, this fact has not come on record that petitioner no.1 is doing job, but on account of having higher qualifications of four master degrees, it cannot be expected at all that she is sitting idle there. Further it was her own decision to leave her job in India and shifted to USA on sponsorship by her family. There was no consent of respondent in this regard and it cannot be expected from the wife that only to extract money, she will get her admission in 4th Master Degree in a foreign country. There is no justification on file why petitioner no.1 shifted to U.S.A. There is no end of study. She is already highly professionally qualified. She was/is not in a reasonable need at all. Deliberate Idleness despite capacity can lead to denial.

57. After perusing of case file, no doubt respondent was in USA for his project for a limited period, but it seems that despite having three master degrees, the petitioner no.1 intentionally made a plan to shift to USA and to raise claim of maintenance from the earning of respondent at USA. She is still there in U.S.A. despite her study period i.e. 17.01.2023 to 31.05.2025. It can be smelt from the action of petitioner no.1 on the case file. It is not a coincidence that the wife is studying in USA for the particular period when

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husband is also in USA for his project. What would have been the position if husband only remained in India on a salary of Rs.1,17,000/-per month. Then how husband could pay?

58. She wants her study money i.e. Rs.34,39,833/-. How it is possible? Section 125 of Cr.P.C. does not cover any study money for a well professionally qualified lady, who pursued her 4th Master Degree only for her ambition and not as a need. She could not present any reason on the record for her further education as a necessity in her career at the age of 38 years. It is just like that wife lend money from the market (or relatives) and then asked her husband to pay that money. It is not spirit of Section 125 of Cr.P.C.

59. Petitioner no.1 is forcing her husband to aid/support/finance her in a foreign country for her one more extra master degree only for the reason that husband is available there and earning handsome. The husband was not having a permanent job there in USA. He was there only for completing a project for his employer.

60. So, keeping in view the above observation, the petitioner no.1 is not entitled for the maintenance from respondent on account of her earlier job experience and highly professional qualifications. Therefore, claim of petitioner no.1 is hereby declined whereas claim of petitioner no.2 is hereby partly allowed for getting maintenance from respondent @ Rs.10,000/-per month from the date of institution of petition till today i.e. 09.03.2026 and


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from 10.03.2026, petitioner no.2 is entitled to get Rs.15,000/-per month from the respondent till her age of majority. So, point is decided accordingly.

Conclusion:

61. As a sequel to above discussion, present petition for grant of maintenance under Section 125 of Code of Criminal Procedure is hereby **partly allowed with costs**, while granting a sum of Rs.10,000/-per month to petitioner no.2 only from the date of institution of petition till today i.e. 09.03.2026 and from 10.03.2026, petitioner no.2 is entitled to get Rs.15,000/-per month from respondent till her age of majority. So, respondent is directed to pay this amount to the petitioner no.2 only, as discussed above. However, claim of petitioner no.1 is hereby dismissed. Needless to say if any amount is paid towards maintenance to petitioner in any other proceedings, same shall be set off against this amount.

62. Respondent is under direction from this court to make the payment of the maintenance allowance due from the date of the petition till date of order, to the petitioner no.2 only, within three months. He is also under direction from this court to make payment of future maintenance allowance w.e.f date of this order to the petitioner no.2 only by first week of every month, by directly depositing in the bank account of the petitioner no.1, In case of default in payment qua arrears or future maintenance allowance, he shall be liable to pay an additional sum of Rs.500/- to the petitioner, for every months default. In case respondent fails to pay the sum,

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petitioners shall have a right to seek the same through process of the court.

Memo of cost be drawn accordingly. Consign the file to records.

Announced in open Court.

Dated: 09.03.2026

Arvind Kumar, Stenographer-I

Kuldeep Singh 9/3/26
(Kuldeep Singh)

Principal Judge, Family Court,
Sonipat, UID Code:HR0158



Certified to be True Copy

[Signature]
Certified Agency, Sessions Court,
Sonipat (Authorized under Section
76 of the Indian Evidence Act.)

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HRSO010139852022



Presented on : 20-10-2022
Registered on : 20-10-2022
Decided on : 09-03-2026
Duration : 3 years, 4 months, 20 days

IN THE COURT OF
Principal Judge, Family Court, Sonipat
Presided Over by Kuldeep Singh
UID No.HR0158

MNT/295/2022

Sunaina & anr. vs. Sachin Maan

MEMO OF COSTS.

	Petitioner	Respondent
1. Stamp for petition.	10-00	00-00
2. Stamp for power.	04-00	02-00
3. Pleader's fee	2200/-	2200/-
3. Process fee.	50-00	00-00
4. Sub's for witnesses	00-00	00-00
5. Misc.	30-00	30-00
.....		
Total:	2294-00	2232-00
.....		

Given under my hand and seal of the court this 9th day of

March, 2026



Kuldeep Singh 9/3/26
(Kuldeep Singh)
Principal Judge, Family Court,
Sonipat, UID Code:HR0158

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