

CIS Regd. No.45/2023

**IN THE COURT OF KANTA VERMA, ADDITIONAL PRINCIPAL
JUDGE-II, FAMILY COURT UNA, HIMACHAL PRADESH.**

Petition No.: 45/2023

CNR No. : HPUN01-002184-2023

Date of Institution :13.7.2023

Date of Decision : 25.04.2026

Chanchla Devi, wife of Manish Kumar, resident of Village Dhagroon, PO Jasana, Tehsil Bangana, District Una, H.P. at present residing with her father Sh. Ram Dass., resident of Village Paroiyaan Kalan, Tehsil Bangana, District Una, H.P.

.....Petitioner.

Versus

Manish Kumar, son of Sh. Girdhari Lal, resident of Village Dhagroon, Post Office Jasana, Tehsil Bangana, District Una, H.P.

.....Respondent.

Petition u/s 125 Cr.P.C.

For the petitioner : Ms. Shivangni Rana, Advocate.

For the respondent : Sh. Sanjeev Sharma, Advocate.

ORDER

The petitioner has filed present petition u/s 125 Cr.PC for grant of maintenance to the tune of ₹20,000/- per month and ₹30,000/- being cost of litigation.

2. Briefly stated, the case of the petitioners is that her marriage with the respondent was solemnized on 24.04.2021 at

village Paroiyaan Kalan, Tehsil Bangana, District Una. H.P. as per Hindu rites and ceremonies. Her father gave sufficient dowry as per his status at the time of her marriage. After the marriage, they lived at village Dhagroon, Tehsil Bangana, District Una, H.P. Few months after the marriage, the respondent and his family members started torturing her on petty matters. Her mother-in-law used to taunt that they expected more dowry and Motorcycle for their son, however, her father had given defected and sub-standard items. She narrated all that to the respondent but he threatened her with dire consequences. Even the brothers of the respondent abused her many time by saying that she did know household work. She then called her parents and told the entire matter to them. On her request, the Panchayat was convened. The panchayat got a compromise effected in between them. Few days after the compromise, she again was subjected to torture and violence. On 18.10.2021, the respondent and his mother without any justifiable cause gave beatings to her and threw her out of the matrimonial house. She called her parents, who assured to come next day along with Panchayat. However, the respondent and his father hired a car and forcefully threw her therein and dropped her in her parental house. Since, then she has been living in her parental house. She made several calls to the respondent to take her back to her matrimonial house, however, he refused and threatened her with dire consequences. She is completely dependent on her father for her basis needs. On the other hand, the respondent has been working as an

Accountant in Rajiv Gandhi Government Degree College, Kotshera. Shimla and is earning handsome amount of Rs.50,000/- per month. He has been enjoying luxuries of life and intentionally has put her in distressful condition. Hence, the petition.

3. The respondent resisted the petition by filing reply taking preliminary objection qua maintainability, estoppel, cause of action and the petitioner's herself having subjected him to cruelty. On merits, the factum of the marriage of the parties has not been disputed. However, rest of the allegations have been refuted. It has been averred that their marriage was solemnized in a very simple way. No articles were expected nor demanded nor even received in dowry. She was never subjected to cruelty. Rather she herself behaved abnormally and violently. Even on first day of marriage, she created a scene in front of all their nears, dears and relatives and shouted in the courtyard to bring her brush, soap and slippers. Her sister accompanying her asked her to keep silent. On coming to know about her such behaviour, even her parents did not come to meet her and returned from outside the house. One day, when he was sleeping, she slapped him and on enquiry, said that she used to do such things whenever she goes out of her mind. She refused to cook food for his mother and refused to eat food cooked by her. One day, in his absence, without any ailment, she took three-four tablets of paracetamol and one day, drank half of the cough syrup bottle and when his mother objected thereto, she abused and punched her. She pressurized him to keep a servant for domestic work and

threatened to give slow poison to his family members. In October, 2022, when he came home in vacations, she did not step down from the first floor of the house, denied to do any household work and asked his family members to provide her tea, food and other necessities. She threatened him to take her to his place of posting or else she would consume poison. He got stunned and dropped her in her parental house. When he told her entire mis-behaviour and misdeeds to her parents, she got furious and caught his neck and slapped him as a result whereof he suffered abrasions. He then narrated the matter to the Pradhan, Gram Panchayat Kalan, who visited her parental house. Her mother, however, told that she had left. She is an able bodied lady and is well qualified and also knows cutting and tailoring and thus is easily earning more than Rs.15,000/- per month, whereas he is temporarily employed as Lab Attendant through one NGO and has been drawing meager salary of Rs. 10,500/- and is unable to save even a single penny as he has to meet his high cost of living in Shimla and has to help his parents. The respondent thus prayed for the dismissal of the petition.

4. Following points arise for determination in the present petition:-

1. Whether the petitioner is entitled for maintenance, as alleged?OPP

Final order.

5. I have heard Id. Counsel for the parties and gone

through the record carefully.

6. For the reasons to be recorded hereinafter while discussing the points for determination, my findings thereon are as under:-

Point No.1 : Partly yes.

Relief : The petition is partly allowed as per operative part of the order.

REASONS FOR FINDINGS

POINT NO. 1.

7. Relationship of the parties is not in dispute.

8. What the grievance of the petitioner is that the respondent soon after their marriage, harassed her for dowry and along with his mother tortured and they gave beatings to her without any rhyme or reason and ultimately on 18.10.2021 after giving her beatings turned her out of her matrimonial house. She has also alleged that she is totally dependent on her father for her basic needs and the respondent serving as Accountant in Rajiv Gandhi Government Degree College Kotshera, Shimla and enjoying all the luxuries of life and intentionally had put her in a distressful condition. Per contra the defence of the respondent is that not he but the petitioner behaved abnormally and violently, never did household chores, in his absence without any ailment one day took three-four tablets of Paracetamol and another day drunk half of the cough syrup, slapped him, threatened to give

slow poison to his parents, to consume poison and to implicate them in false cases and ultimately constrained him to drop her in her parental house. As per him, the petitioner is an able bodied and well qualified woman knowing cutting and tailoring and thus earning Rs.15,000/- per month whereas he is temporarily employed as Lab Attendant through one NGO and drawing salary of Rs.10,500/- only per month and is unable to save even a single penny as he had to meet his high cost of living at Shimla and also to help his parents.

9. In support of her case, the petitioner has appeared as PW1. In her proof affidavit, she has reiterated her entire case as set up in the petition. In her cross-examination she has stated that she was doing MA in Political Science and had done diploma in computer applications. She has admitted to have not stated so in her proof affidavit. She has admitted that before marriage, she served in a school for six months, but she not stated so in her proof affidavit. She has admitted to have stated in her petition regarding demand of Rs.5 lacs and motorcycle in dowry. She could not recollect the date(s) of such demand. Self stated that they used to keep demanding the same. She has denied that she on the very first day after her marriage in her courtyard had ordered her in-laws to bring her shoes, tooth brush and clothes. She has denied that her in-laws never ever demanded any articles or money from her. She has denied that she abused the respondent and his family members before 18.10.2024 and when the respondent complained about the same to her mother, she

caught his neck and slapped him. She has feigned ignorance that the respondent complained about the same to Pradhan of her Gram Panchayat and she left her house before the Pradhan's reaching her house. She has denied that she was living in her parental house because she did not want to go to serve her in-laws. She has denied that she used to pressurize the respondent to take her along to Shimla and threatened to give slow poison to his parents. She has denied that she apologized for her mistakes before the Panchayat. She has admitted that she was healthy and could earn by doing job. However there was no scope therefor. She never tried to search for any job. She has denied that the respondent due to his outsource job is only earning Rs.10,500/- per month and survive him with great difficulty. She has denied that she in her matrimonial house was maintained by the respondent and his family members. Self stated that they only used to give food to her and her remaining expenses were borne by her parents. She has denied that she used to earn Rs.15,000/- from cutting and tailoring work.

10. The respondent in negation of the claim of the petitioner and in substantiation of his defence while appearing as RW1 has stated what he has alleged in his reply. He is very categorical and has stated that the petitioner being a healthy and educated woman and serving before her marriage, can well maintain herself. In his cross-examination he has denied that parents of the petitioner had given dowry in the marriage. Self stated that her brother had rang them up, but they had refused

therefor. He has admitted that one gold ring and watch was given to him, however has denied that one gold ring was given to his father and one gold chain was given to his mother as well. Self stated that a silver ring was given to his father. He has admitted that bed and other furniture given by the parental family of the petitioner was lying in his house. Self stated that all the articles were lying packed. He has admitted that Panchayats were convened two-three times. He has admitted that in May 2022 he had given statement before the panchayat that he was not ready to keep the petitioner with him. Self stated that she had caught him from his neck when he had gone to drop her in her house whereafter they kept on calling her in the panchayat for eight-nine months, however she did not come and ultimately she confessed her mistakes before the panchayat whereupon he refused to take her with him. He has admitted that the petitioner wanted to live with him, however he was not ready to live with her. Self stated that her behaviour was/is not good. He has admitted that he was serving in a Government College. Self stated that he was serving under Self Financing Scheme. He has denied that his monthly income was/is Rs.50,000/-.

11. Thus the petitioner alike her case has stated that soon after her marriage the respondent along with his family members harassed her for dowry and gave beatings to her without any rhyme or reason and ultimately on 18.10.2021 threw her out of her matrimonial house. She has maintained her said stand in her cross-examination and emphatically has denied suggestions to

the contrary and therefore her evidence to that effect can safely be believed.

12. Coming to the maintenance, the petitioner in order to prove her entitlement for the maintenance was/is required to prove that:-

- 1.** she is unable to maintain herself;
- 2.** the respondent is a man of means;
- 3.** the respondent despite being a man of means neglected/refused to maintain her.

13. **Coming to point No.1 aforesaid,** the petitioner has alleged and stated that she is totally dependent upon her father for her basic necessities of life and the respondent has failed to fulfill his obligations towards her and her evidence to that effect has not been shattered on the record.

14. On the other hand, the respondent though has alleged that the petitioner is well qualified and knowing cutting and tailoring and is earning Rs.15,000/- per month, yet:-

- except his bald statement, he has not led any evidence in support thereof and
- in his substantive evidence he has even shifted his stand and has stated that she knows tailoring and is thus capable enough to maintain herself

As such **it has been proved** on the record **that the petitioner is**

unable to maintain herself.

15. Coming to point No.2 aforesaid, the petitioner has alleged that the respondent has been working as Accountant in Rajiv Gandhi Government Degree College Kotshera, Shimla. Although the respondent has denied that he has been working as such, but he himself has pleaded and stated that he has been working as Lab Attendant in the said college. Therefore **it has been amply proved on the record that the respondent is a man of means.**

16. Coming to point No.3 aforesaid, the petitioner alike her case has stated and reiterated that since her desertion by the respondent on 28.10.2021, she has been maintained by her father and the respondent has not been discharging his obligations towards her. Contrarily the respondent though has stated that he used to maintain the petitioner wholly solely when she was living with him, but he neither has pleaded nor stated nor has led any evidence that:-

- she is not dependent on her father for the basic necessities of life **and/or**
- he ever gave even a single penny for her maintenance w.e.f. 18.10.2021 ever since she admittedly has been living in her parental house

17. It thus has been proved on the record that the respondent despite being a man of means neglected/refused to maintain the petitioner.

18. Coming to the quantum of maintenance. The petitioner has alleged and stated that the respondent has been serving as Accountant in Rajiv Gandhi Government Degree College Kotshera, Shimla and has been earning Rs.50,000/- per month, however she has not led any documentary evidence to prove his alleged profession and/or income and therefore has failed to substantiate her said assertion on the record. Nonetheless considering the admission of the respondent that he has been serving as Lab Attendant through an NGO on the monthly salary of Rs.10,500/-, interest of justice would be sufficiently met if he is directed to pay monthly maintenance to the tune of Rs.4000/- to the petitioner especially when he has not even stated that he is having any other dependents and/or liabilities. This point thus is decided partly in favour of the petitioner and is answered accordingly.

FINAL ORDER

19. In view of my findings returned on aforesaid points, the present petition is partly allowed and respondent is directed to pay monthly maintenance amounting to ₹4,000/- to the petitioner from the date of filing of the petition i.e. 13.7.2023. Interim maintenance paid by the respondent to the petitioner during the pendency of the petition shall be adjusted against the maintenance amount awarded here-in-above. Memo of cost be prepared accordingly.

20. Copy of this order be supplied to the petitioner free of

cost and file after due completion, be consigned to record room.

Announced in the open Court today on this the 25th day of April, 2026.

(Kanta Verma)
Additional Principal Judge-II,
Family Court, Una, District Una,
HP

/ashok/

Addl. Principal Judge-II, Family Court Una

ANNEXURE-A

LIST OF WITNESSES

Sr. No.	Name of witness	Whether PW or RW
1.	Chanchla Devi	Petitioner
2.	Manish Kuma	Respondent

ANNEXURE-B

LIST OF EXHIBITS

Sr. No.	Exhibit No.	Date	Description
1.	Ex.R1/RW1	21.4.2025	Copy of account statement

(Kanta Verma)
Additional Principal Judge-II,
Family Court, Una, District Una,
HP