



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CrMMO No.421 of 2022 & Cr.R. No. 255 of 2022**

**Date of Decision: 25.3.2026**

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**1. CrMMO No. 421 of 2022**

**Gurmit Singh**

**.....Petitioner**

**Versus**

**Savita Devi and Anr.**

**.....Respondents**

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**2. Cr.R. No. 255 of 2022**

**Savita Devi and Anr.**

**.....Petitioners**

**Versus**

**Gurmit Singh**

**.....Respondent**

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**Coram**

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

**Whether approved for reporting?**

**For the Petitioner(s):**

Mr. Pranshul Sharma, Advocate, for the petitioner in CrMMO No. 421 of 2022 and for the respondent in Cr.R. No. 255 of 2022.

**For the Respondent(s):**

Mr. J.R. Poswal, Advocate, for the respondents in CrMMO No. 421 of 2022 and for the petitioners in Cr.R. No. 255 of 2022.

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**Sandeep Sharma, J. (Oral)**

Since common questions of facts and law are involved in both the above captioned cases, same were heard together and are being disposed of vide common order.



**2.** Parties are aggrieved of order dated 28.1.2022 passed by the learned Additional Sessions Judge, Nalagarh, District Solan, Himachal Pradesh, whereby court concerned while allowing application for grant of interim maintenance having been filed by Ms. Savita Devi and her son Nitin Dhiman i.e. respondents in CrMMO No. 421 of 2022 and petitioners in Cr.R. No. 255 of 2022, under Section 125 of Cr.PC, directed Gurmit Singh i.e. petitioner in CrMMO No. 421 of 2022 and respondent in Cr.R. No. 255 of 2022, to pay interim maintenance to the tune of Rs. 6000/- per month to wife-Savita Devi and Rs. 5000/- to son-Nitin Dhiman, payable from 1.1.2022 i.e. when pleadings of the parties were complete. In the aforesaid background, petitioner-Gurmit Singh (husband/father) has approached this Court by way of CrMMO No. 421 of 2022, praying therein to set aside order dated 28.1.2022, on the ground that interim maintenance awarded by the court below is on higher side, whereas petitioners-Ms. Savita Devi and Nitin Dhiman (wife and son), have approached this Court in Cr.R. No. 255 of 2022 on the ground that amount awarded by the court below, as interim maintenance, is on lower side.

**3.** Having heard learned counsel for the parties and perused material available on record vis-à-vis reasoning assigned in the order impugned in both the proceedings, this Court finds no illegality or infirmity in the same and as such, no interference is warranted. It is not in dispute



that Gurmit Singh and Savita Devi are husband wife and out of their wedlock, one child namely Nitin Sharma has also been born. It is also not in dispute that on account of matrimonial discord, Ms. Savita along with her son, is compelled to live separately. Both Savita Devi and Nitin have successfully proved on record that Gurmit Singh is working as Head Constable in CRPF and drawing salary of Rs. 73,000/- per month, whereas Ms. Savita Devi has no source of income.

**4.** Moreover, this court finds that vide order impugned in the instant proceedings, court below has decided the issue of interim maintenance, whereas regular maintenance, if any, in terms of Section 125 CrPC is yet to be decided by the court below in totality of evidence led on record by the respective parties, however there appears to be merit in the contention of learned counsel for the petitioner Gurmit Singh that once his son Nitin Sharma, has attained majority, he is not entitled to interim maintenance.

**5.** Similarly, this Court finds that court below while awarding maintenance to Ms. Savita Devi and Nitin has fallen in grave error in as much as awarding maintenance from the date of completion of pleadings, rather same should have been awarded from the date of filing of application in terms of judgment passed by Hon'ble Apex Court in **Rajnesh v. Neha and Anr. (2021) 2 SCC 324.**



**6.** Consequently, in view of the above, this Court sees no reason to interfere with the impugned order dated 28.1.2022, however same is modified to the extent that maintenance quantified by the court below shall be payable by the petitioner-Gurmit Singh from the date of application i.e. October 2019 as has been held by the Hon'ble Apex Court in judgment supra. Petitioner shall only be liable to pay maintenance quantified by the court below to his son Nitin Dhiman from the date of filing of the application till he attained majority. Court below is further directed to ensure that impugned proceedings filed at the behest of Ms. Savita and her son shall be concluded expeditiously, preferably within three months and amount, if any, received in excess for interim maintenance shall be adjusted against the full amount, if any, awarded in main petition. Amount lying deposited in the Registry of this Court on account of maintenance awarded by the court below is ordered to be released in favour of Ms. Savita Devi, by remitting the same in her saving bank account, detail whereof shall be furnished by her counsel, within two days. In the aforesaid terms, present petitions are disposed of along with pending applications, if any.

**March 25, 2026**

(manjit)

**(Sandeep Sharma),  
Judge**