

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**CMPMO No.351 of 2025
Decided on 27th November 2025**

Mohit Sharma

...Petitioner.

Versus

Meenakshi Sharma & Anr.

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting?

For the petitioner : Mr. Vinod Chauhan & Ms. Aanchal Singh, Advocates.

For the respondents : Mr. J. R. Poswal, Advocate.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has assailed the orders passed by the learned Courts below, in terms whereof the learned Judicial Magistrate, 1st Class, Court No. 2, Paonta Sahib, vide order dated 22.11.2024, passed in an application filed under Section 23 of the Protection of Women from Domestic Violence Act (for short "DV Act"), granted interim relief by awarding an amount of Rs. 3,000/- as maintenance in favour of the wife and Rs. 1,500/- each in favour of the minor children. Order dated 01.05.2025, passed in appeal by the Court of the learned

Additional Sessions Judge, Paonta Sahib, District Sirmour, H.P., in Cr. Appeal CIS Case No. 115/2024, also did not interfere with the order passed by the learned Trial Court, and the appeal filed by the present petitioner was dismissed.

2. Learned counsel for the petitioner has argued that the learned Courts below have not properly appreciated the evidence, as in the absence of any material on record to substantiate that the petitioner has a source of income from which he could have paid an amount of Rs. 6,000/- as interim maintenance in favour of the respondents, the order is per se perverse.

3. Learned counsel has also argued that the petitioner is otherwise ready and willing to keep his wife as well as his two minor children, and he is also ready to provide separate accommodation to them, however, all these aspects of the matter have been ignored by the learned Courts below. On this count, he prayed that the order under challenge be set aside.

4. Learned counsel for the respondents, on the other hand, has supported the orders passed by the learned Courts below and has submitted that the maintenance granted by the learned Courts below is not unreasonable but, in fact, on the

lower side. He submitted that only an amount of Rs. 3,000/- has been awarded in favour of the wife and Rs. 1,500/- each in favour of the minor children, which amount, by no stretch of imagination, can be said to be excessive. Learned counsel has further submitted that as per his instructions, the amount has not been paid by the petitioner till date. He accordingly prayed that the order under challenge does not suffer from any infirmity and is liable to be upheld, because the petitioner is running a Kiryana shop, as has been held by both the Courts below, from which he has sufficient income to pay interim maintenance to the respondents.

5. I have heard learned counsel for the parties and have perused the record of the case carefully.

6. In In terms of the order under challenge, maintenance @ Rs. 3,000/- per month has been awarded to the wife and Rs. 1,500/- per month has been awarded to each of the minor children. This Court concurs with the submission made by the learned counsel for the respondents that the amount of maintenance awarded by the learned Courts below cannot be said to be on the higher side. At this stage, learned counsel for

the petitioner submits that as per his instructions, the respondent/wife is running a Beauty Parlour. Even if that is so, this Court is of the considered view that the same does not occasion any interference with the order under challenge, as the amount of maintenance is indeed meagre.

7. Otherwise also, this Court fails to understand that on the one hand the petitioner is submitting before this Court that he does not have the means to pay the maintenance amount, but in the same breath he is submitting that he is willing to take back and look after his wife and children and, alternatively, provide a residential accommodation to them. Obviously, all this would entail certain expenses and this demonstrates that the petitioner does have the means to look after his wife and children.

8. Therefore, in light of the above observations, this Court does not find any merit in the case. The petition is dismissed accordingly. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

November 27, 2025
(Shamsh Tabrez)