



\$~67

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P.(MAT.) 403/2026, CRL.M.A. 21987/2026**

JAVED HUSSAIN RIZVI

.....Petitioner

Through: Mr. Arjun Sehgal and Mr. Yugal Mehra, Advs.

versus

NAJISH KHAN

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **27.07.2026**

CRL.M.A. 21988/2026 (seeking exemption)

1. Allowed, subject to all just exceptions. Application stands disposed of.

CRL.REV.P.(MAT.) 403/2026

2. The present revision petition has been filed under Sections 438/442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') challenging the order dated 30.03.2026 passed by the learned Judge, Family Court-02, South-East District, Saket Courts, New Delhi in MT No. 182/2024 whereby the learned Family Court assumed territorial jurisdiction and directed the revisionist to pay interim maintenance of Rs.30,000/- per month to the respondent.

3. Brief facts giving rise to the present petition are that the marriage between the parties was solemnised on 20.08.2022 according to Muslim rites



and ceremonies. It is stated that the marriage was the second marriage of both the parties. The revisionist has a son from his first marriage, whereas the respondent had also been previously married. No child was born from the wedlock between the parties. Owing to matrimonial disputes, the parties started residing separately in the year 2023. Thereafter, the respondent instituted a petition under Section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the '*Cr.P.C.*'), corresponding to Section 144 of the BNSS before the learned Family Court, Saket, seeking maintenance on the ground that she had no independent source of income and was residing within the territorial jurisdiction of the said Court. The revisionist contested the proceedings by filing his reply and objections. Thereafter, by separate orders dated 30.03.2026, the learned Family Court held that it possessed territorial jurisdiction to entertain the petition and directed the revisionist to pay interim maintenance of Rs.30,000/- per month to the respondent from the date of filing of the petition till final adjudication. Aggrieved thereby, the present revision petition has been preferred.

4. Learned counsel for the revisionist submits that the revisionist has three principal grievances against the impugned orders.

5. The first grievance pertains to the territorial jurisdiction of the learned Family Court. He submits that the learned Family Court at Delhi has no jurisdiction to entertain the present proceedings as the rent agreement relied upon by the respondent is a forged and fabricated document and the respondent is not residing in Delhi. He submits that the respondent is a native of Agra and that a petition for restitution of conjugal rights filed by the revisionist is already pending before the competent Court at Agra. He further submits that the maintenance petition was filed on 27.03.2024, whereas the



rent agreement placed on record was only for a period of eleven months and expired in August, 2024, which itself shows that the said document was created only to confer territorial jurisdiction upon the Delhi Courts. In support of his submissions, learned counsel places reliance upon the judgment of this Court in ***Kostubh Dadhichi Anshu v. Aditya Juniwal***, 2025:DHC:1330.

6. The second grievance relates to the validity of the dissolution of the respondent's previous marriage. He submits that there was no proper pronouncement of Talaq and that the Talaqnama neither discloses the date of pronouncement of Talaq nor bears the signature of the Qazi.

7. The third grievance pertains to the quantum of interim maintenance. Learned counsel submits that the revisionist's son from his previous marriage is residing with him and that the learned Family Court failed to take into consideration his responsibility towards his aged mother as well as his son while determining the quantum of interim maintenance.

8. I have heard the learned counsel for the revisionist and perused the material placed on record.

9. The scope of revisional jurisdiction is limited. This Court is only required to examine whether the impugned orders suffer from any patent illegality, jurisdictional error or material irregularity and cannot re-appreciate the evidence.

10. The first grievance of the revisionist relates to the territorial jurisdiction of the learned Family Court. A perusal of the impugned order reveals that the learned Family Court has considered the said objection in detail. The learned Family Court has rightly observed that the issue of territorial jurisdiction, in the facts of the present case, is a mixed question of law and fact and not a pure question of law, and therefore cannot be adjudicated without the parties



leading evidence. Whether the respondent was residing in Delhi, whether the rent agreement relied upon by her is genuine or fabricated, and whether she shifted to Delhi only for the purpose of creating territorial jurisdiction are disputed questions of fact which can only be determined upon appreciation of evidence. Merely because the revisionist has instituted a petition for restitution of conjugal rights before the competent Court at Agra cannot, by itself, lead to the conclusion that the Courts at Delhi lack territorial jurisdiction.

11. The second grievance pertains to the validity of the Talaqnama. The challenge raised by the revisionist is that the Talaqnama neither discloses the date of pronouncement of Talaq nor bears the signature of the Qazi. The learned Family Court has considered the said contention and observed that merely because the Talaqnama does not bear the signature of the Qazi would not render it invalid, as there is no requirement that a Talaqnama must necessarily bear the signature of the Qazi in the same manner as is required at the time of solemnization of marriage. The validity and evidentiary value of the Talaqnama are matters which can be examined during the course of the proceedings on the basis of evidence led by the parties.

12. The third grievance relates to the quantum of interim maintenance. The learned Family Court has considered the material placed before it while determining the interim maintenance. The contention that the revisionist's responsibility towards his aged mother and son has not been adequately considered does not disclose any patent illegality or perversity warranting interference in revisional jurisdiction.

13. In view of the aforesaid, this Court finds no patent illegality, jurisdictional error or material irregularity in the impugned orders warranting



interference in exercise of revisional jurisdiction. Accordingly, the present revision petition is dismissed.

14. Pending application(s), if any, also stand disposed of.
15. Nothing stated herein shall have any bearing on the merits of the case.
16. The order be uploaded on the website forthwith.

MADHU JAIN, J

JULY 27, 2026/JYH/Av