



2026:DHC:7005



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 21.08.2026**# **CNR No. DLHC010393352026**

+ CM(M) 1864/2026, CM APPL. 56699/2026 (Stay) & CM APPL. 56700/2026 (Ex. From filing certified copies of annexures)

VIKAS UPPAL

.....Petitioner

Through: Mr. Karan Sachdeva, Advocate
with Petitioner in person

versus

SRISHTI UPPAL

.....Respondent

Through: Nemo

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR****JUDGMENT (ORAL)**

1. The present Petition, filed under Article 227 of the **Constitution of India, 1950¹**, seeks to assail the **Order dated 07.07.2026²** passed by the **learned Judge, Family Court-02, Central District, Tis Hazari Courts, Delhi³**, adjudicating an Application for Interim Maintenance, in the **Maintenance Petition, being HAMA No.5/2025⁴**, under Section 20(3) of the Hindu Adoption and Maintenance Act.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

2. Learned counsel for the Petitioner submits that the learned Family Court has erred in granting interim maintenance to the

¹ Constitution

² Impugned Order

³ Learned Family Court

⁴ Maintenance Petition



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Respondent without properly appreciating the financial circumstances of the parties. He submits that the learned Family Court has failed to take into consideration the **Fixed Deposit Receipts**⁵ standing in the name of the Respondent, as well as the income accruing therefrom.

3. Learned counsel for the Petitioner further submits that the Respondent has been earning substantial amounts from various sources, including online gaming/streaming, sale of books through Amazon and other online activities. Learned counsel for the Petitioner submits that Respondent has, therefore, not made a complete and truthful disclosure of her financial position before the learned Family Court.

4. Learned counsel for the Petitioner submits that, on the other hand, the Petitioner is a Junior Advocate and has no regular or substantial source of income. He submits that the Petitioner's earning capacity has been severely affected, due to the period of his incarceration, and that he is presently residing in rented accommodation and is himself struggling to meet his basic expenses.

5. Learned counsel for the Petitioner submits that the learned Family Court has failed to properly appreciate these circumstances, categorically pleaded before the learned Family Court, while directing the Petitioner to pay a sum of Rs.6,000/- per month as interim maintenance to the Respondent.

6. Learned counsel for the Petitioner, therefore, submits that the Impugned Order suffers from material infirmity and warrants interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution.

⁵ FDs



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ANALYSIS:

7. This Court has heard the learned counsel for the Petitioner and, with his able assistance, gone through the relevant documents and the Impugned Order.

8. Before advertng to the facts of the present case, this Court deems it apposite to reproduce, for the sake of ready reference, the relevant portion of the Impugned Order, insofar as the contentions raised herein by the Petitioner are concerned. The same read as under:

“12. There are allegations and counter allegations pertaining to the conduct of parties against each other. At the stage of interim maintenance, court has to take a prima-facie view of the matter.

13. From the pleadings of parties and material on record, it is clear that the factum of daughter-father relation between petitioner and respondent is not in dispute.

14. It is alleged by respondent/father that there are regular payments entries in the bank account of petitioner/daughter from Amazon etc. Further she has not disclosed her other bank account. Further, there is an FD in the name of petitioner, as such she is earning interest income also. It is further stated that earlier for admission in IGNOU, respondent/father made payment for the daughter/petitioner, but thereafter as false criminal case filed by daughter against him and he was sent to JC, he could not pay further educational expenses. It is further pointed out that she has income from gaming. It is further stated that as he was in JC from April, 2023 till February, 2025, therefore, his regular practice was materially affected and he is only earning Rs. 12,000/- per month, out of which he is paying also his own expenses. It is further argued that payment received as compensation by petitioner from DSLSA (Delhi State Legal Services Authority) of Rs. 2,62,500/- is not used for study but instead same is used for FD by the petitioner daughter. It is further claimed that earlier she did not file any maintenance case, but only when divorce case was filed by respondent father against mother of petitioner, as a counter blast present petition is filed.

15. On the other hand petitioner/daughter explained that she does not have any regular income or employment, but only some temporary income sometime of small amount. It is further explained she has certain interest income from FD. It is further stated that payment received from DSLSA is made in the form of FD as same might need to be returned as trial is still pending. As such such amount cannot be used so far. It is further claimed that

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respondent father has concealed his other bank account.

16. The allegations and counter allegations between the parties are matter of trial when the parties would have sufficient opportunity to prove their respective claims particularly regarding income of other side. But, for the purpose of deciding the present interim maintenance issue, it is noted that although respondent has claimed that petitioner/daughter has regular income of about Rs. 1,00,000/- per month from her online game streaming, selling books on Amazon, Upwork etc. But no details of such income, if she is actually earning by such online game streaming, selling books etc. is placed on record. Further it is noted that petitioner has placed on record her bank statement from January, 2023 till November, 2025 of SBI Bank Karol Bagh, Delhi and there is no reflection of any regular income in the same. Thus for the purpose of present application and stage, it is held that daughter is not having regular income.

17. Further it is noted that although daughter/petitioner has claimed that respondent is working as free-lancer as web designer as claimed by her in her petition/interim maintenance application, but no proof of any such income or any document placed on record. During trial both the parties can summon the witness/documents to prove their respective claimed particularly regarding income of other side. But based on material on record, submissions made by the parties, nature of work of respondent and educational background of petitioner and respondent as well as their economic social background at the present stage, respondent is directed to pay an interim maintenance of Rs. 6,000/- per month to the petitioner from the filing of present application till disposal of present petition.”

(Emphasis Supplied)

9. A perusal of the aforesaid reasoning makes it evident that the learned Family Court was conscious of the rival assertions advanced by the parties with respect to their respective financial circumstances. The allegation that the Respondent was earning approximately Rs.1,00,000/- per month through online game streaming, sale of books and other activities was specifically noticed and considered by the learned Family Court.

10. Likewise, the allegation regarding the FDs standing in the name of the Respondent and the interest income allegedly accruing

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therefrom was expressly noticed. The contention of learned counsel for the Petitioner that such material was altogether overlooked by the learned Family Court, therefore, does not find support from the record.

11. On the contrary, the Impugned Order takes note of the aforesaid allegations and proceeds to examine the bank statement placed on record. The learned Family Court records that the bank statement of the Respondent for the period from January, 2023 to November, 2025 did not disclose any regular income and, on that basis, arrived at a *prima facie* conclusion, at the stage of consideration of the Interim Maintenance Application, that the Respondent was not having a regular income.

12. The grievance of the Petitioner, therefore, essentially seeks a fresh examination of the financial material placed before the learned Family Court and a re-appreciation of the rival assertions concerning the Respondent's income. Such an exercise would necessarily require this Court to enter into the evidentiary aspects of the matter and undertake an independent assessment of the bank statements, FDs and alleged sources of income, so as to determine whether the Respondent was in fact earning the amount alleged by the Petitioner. Such a re-appreciation of the factual material is not within the legitimate confines of the supervisory jurisdiction vested in this Court under Article 227 of the Constitution.

13. It is, moreover, material to notice that the Impugned Order concerns only the grant of interim maintenance and does not constitute a final determination of the entitlement of the Respondent to maintenance or of the respective financial capacities of the parties. The determination made by the learned Family Court is *prima facie*



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and operates only at the interlocutory stage of the proceedings.

14. The learned Family Court has, in fact, expressly refrained from rendering any final determination upon the competing allegations concerning the income of the parties. It has observed that the rival assertions in this regard would be matters for trial, when the parties would have adequate opportunity to establish their respective claims by leading appropriate evidence and producing the relevant documents. The conclusion reached in the Impugned Order is thus consciously confined to the material available at the stage of consideration of the interim-maintenance Application.

15. The aforesaid distinction assumes significance while examining the challenge in exercise of jurisdiction under Article 227 of the Constitution. The supervisory jurisdiction of this Court is not intended to provide a further forum for re-appreciation of evidence or substitution of the view taken by the Court below merely because another assessment of the material may be possible. Interference would be warranted only where the decision-making process is shown to suffer from a jurisdictional error, patent illegality, perversity or such manifest infirmity as would warrant correction in exercise of the supervisory jurisdiction of this Court.

16. It is trite that, while exercising jurisdiction under Article 227 of the Constitution, this Court does not sit in appeal over findings of fact returned by the Court below. The jurisdiction is supervisory in nature and is exercised to ensure that the subordinate Court has acted within the bounds of its jurisdiction and that its decision-making process does not suffer from any manifest illegality, perversity or jurisdictional infirmity.



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17. In the present case, the learned Family Court has considered the respective financial assertions of the parties, including the alleged income of the Respondent from online activities and the Fixed Deposits standing in her name. It has also considered the bank statement placed on record and the absence of material demonstrating any regular income of approximately Rs.1,00,000/- per month, as alleged by the Petitioner. The conclusion returned by the learned Family Court, therefore, cannot be characterised as one rendered without consideration of the material placed before it.

18. Equally, the submission of learned counsel for the Petitioner that he himself is earning only approximately Rs.12,000/- per month as a Junior Advocate and is required to meet his own expenses has also been noticed by the learned Family Court. The Impugned Order reflects consideration of the respective financial circumstances placed before it while determining the quantum of interim maintenance.

19. The amount directed to be paid by the Petitioner is only Rs.6,000/- per month. The directions are an interim arrangement and are to operate from the date of filing of the Application until disposal of the proceedings. The Impugned Order, therefore, neither forecloses the parties from establishing their respective financial circumstances at trial nor purports to finally determine their respective capacities or the ultimate entitlement to maintenance. Furthermore, all remedies, inter alia, for modification etc. are always available and will be considered in accordance with law.

20. In these circumstances, this Court is unable to discern any patent illegality, perversity or jurisdictional infirmity in the approach adopted by the learned Family Court. The Impugned Order reflects



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due consideration of the material placed before it and proceeds upon a prima facie assessment of the competing financial circumstances for the limited purpose of determining interim maintenance. The mere possibility of another view being taken upon a further or more elaborate appreciation of the financial material cannot, by itself, furnish a ground for interference in exercise of the supervisory jurisdiction of this Court.

21. The challenge raised by the Petitioner thus essentially seeks a re-appreciation of the material which has already been considered by the learned Family Court, without demonstrating any jurisdictional or manifest error in the decision-making process. No such infirmity is made out in the present case.

22. Accordingly, this Court finds no merit in the challenge raised by the Petitioner and finds no ground warranting interference with the Impugned Order in exercise of jurisdiction under Article 227 of the Constitution.

DECISION:

23. Accordingly, the present Petition, being devoid of merit, is dismissed.

24. It is clarified that the observations contained herein are confined to the challenge to the Impugned Order at the present stage and shall not prejudice the adjudication of the parties' respective claims, including their respective financial circumstances, in the Maintenance Petition proceedings pending before the learned Family Court.

25. The present Petition, along with pending Application(s), if any, stands disposed of in aforementioned terms.



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26. There shall be no Order as to Costs.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 21, 2026/rk/DJ

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