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

CNR No. DLHC010403832026

+ CRL.M.C. 6351/2026&CRL.M.A. 26509/2026, CRL.M.A.
26510/2026

AJAY KUMAR

.....Petitioner

Through: Mr. Siddhant Gautam, Mr. Vivek
Vishal Gautam, Advocates.

versus

THE STATE OF NCT DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP. SI Sanjay
Kumar, PS-Hauz Khas.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **31.08.2026**

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioner assails the order dated 25.02.2026 passed by the learned Family Court, whereby ad-interim maintenance of Rs. 5,000/- per month each has been directed to be paid to the petitioner's wife, arrayed as respondent No. 2 herein, and their minor child.

2. The impugned order, which was passed more than six months ago, makes it clear that the application seeking interim maintenance is still pending consideration before the learned Family Court. The ad-interim maintenance was fixed on an ad-hoc basis, as learned counsel for the



petitioner herein sought an adjournment on the relevant date.

3. Mr. Siddhant Gautam, learned counsel for the petitioner, submits that the application for interim maintenance remains pending even as of today, and that the petitioner has already filed his affidavit of income and assets therein. The said application is next listed before the learned Family Court on 01.10.2026.

4. Mr. Gautam submits that the petitioner earns Rs. 16,500/- per month and has been directed to pay Rs. 10,000/- per month towards the maintenance of respondent No. 2 and the minor child. He further submits that respondent No. 2 and the child are residing on one floor of the matrimonial home without incurring any additional expenditure towards accommodation, while the petitioner also continues to bear the utility expenses. It is further submitted that respondent No. 2 has also initiated execution proceedings in respect of the impugned order.

5. Having regard to the fact that the impugned order is confined to grant of ad-interim maintenance and that the application for interim maintenance filed by respondent No. 2 continues to remain pending before the learned Family Court, I am not inclined to interfere with the order at this stage. The purpose of an order of ad-interim maintenance is to prevent destitution of the wife and minor child pending consideration of the application for interim maintenance. In the present case, the learned Family Court fixed the amount on an ad-hoc basis in the wake of a request for adjournment by learned counsel for the petitioner. The parties would, therefore, be at liberty to advance their respective submissions, including with regard to the appropriate quantum of interim maintenance, before the learned Family Court when the pending



application is taken up on 01.10.2026.

6. In these circumstances, I am of the view that the appropriate course would be to request the learned Family Court to consider the pending application for interim maintenance as expeditiously as possible, in accordance with its own Board and the age of the matters pending before it. In the event that the interim maintenance is ultimately fixed at an amount lower than the ad-interim maintenance as directed under the impugned order, the petitioner shall naturally be entitled to appropriate adjustment of any amount paid in excess during the intervening period.

7. The petition, alongwith pending applications, is disposed of, with the above directions.

8. It is clarified that this Court has not expressed any opinion on the merits of the case, and all rights and contentions are left open to be urged before the learned Family Court in accordance with law.

PRATEEK JALAN, J

AUGUST 31, 2026

‘B’/SD/