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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010427022026
+ **CRL.REV.P.(MAT.) 530/2026, CRL.M.A. 27979/2026, CRL.M.A. 27980/2026 & CRL.M.A. 27981/2026**

POOJA JHA

.....Petitioner

Through: Mr. V.S. Dubey and Mr. Shubham
Pandey, Advs.

versus

GANESH KUMAR JHA

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **09.09.2026**

1. This hearing has been conducted through hybrid mode.
2. The present revision petition has been filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') read with Section 19(4) of the Family Courts Act, 1984, seeking setting aside of the judgment dated 28.02.2026 passed by the learned Judge, Family Court, East District, Karkardooma Courts, Delhi, in **MT No. 55/2022**. *Vide* the impugned judgment, the respondent was directed to pay maintenance of ₹22,000/- per month to the revisionist from the date of filing of the petition. The revisionist seeks enhancement of the said amount.

FACTUAL BACKGROUND

3. Briefly stated, the parties were married on 17.02.2021 according to Hindu rites and ceremonies. No child was born from the wedlock.



Matrimonial disputes arose between the parties shortly thereafter and they have been residing separately since April, 2021. Both sides have levelled allegations against each other regarding the circumstances leading to their separation.

4. On 20.01.2022, the revisionist instituted a petition under Section 125 Cr.P.C. seeking maintenance of ₹50,000/- per month. The respondent contested the petition. Both parties filed their respective affidavits of income, assets and expenditure. After recording the evidence and hearing the parties, the learned Family Court passed the impugned judgment.

SUBMISSIONS ADVANCED ON BEHALF OF THE REVISIONIST

5. Learned counsel appearing on behalf of the revisionist submits that the maintenance of ₹22,000/- per month awarded by the learned Family Court is inadequate having regard to the financial capacity of the respondent. It is submitted that the learned Family Court assessed the respondent's income only on the basis of financial documents pertaining to the year 2022, even though the impugned judgment was passed in the year 2026.

6. Learned counsel submits that the respondent in the present case is currently earning approximately ₹2,00,000/- per month. It is further submitted that the interest and returns accruing from the investments made by the respondent in mutual funds and stocks were also not taken into account while assessing his financial capacity.

7. It is further submitted that the revisionist is a housewife and has no independent source of income and that no evidence was led by the respondent to establish that she was employed or earning. It is submitted that the revisionist incurs rent of ₹10,000/- per month and other necessary monthly expenses of approximately ₹15,000/-, however, the learned Family Court only



took into consideration the rent component and failed to consider her other expenses. It is in view of these submissions, that the learned counsel for the respondent seeks enhancement of the maintenance granted by the learned Family Court in favour of revisionist *vide* the impugned judgment.

ANALYSIS AND FINDINGS

8. This Court has heard the submissions advanced by the learned counsel for the revisionist and has perused the material placed on record.

9. The issue which arises for consideration of this court is whether the quantum of maintenance awarded by the learned Family Court *vide* its impugned judgment suffers from any illegality, perversity or material irregularity warranting interference by this court in exercise of its revisional jurisdiction.

10. It is settled that a revisional Court does not sit as a Court of appeal and cannot reassess the evidence merely to substitute another possible view. In ***Pyla Mutyalamma v. Pyla Suri Demudu, (2011) 12 SCC 189***, the Hon'ble Supreme Court reiterated that findings recorded in proceedings under Section 125 of Cr.P.C. ought not to be disturbed in revision, unless they are legally unsustainable in nature.

11. In ***Rajnesh v. Neha, (2021) 2 SCC 324***, the Hon'ble Supreme Court held that the quantum of maintenance must be determined by balancing the reasonable needs of the claimant with the income, liabilities and financial capacity of the paying spouse, there being no fixed formula for such determination.

12. In the present case, the learned Family Court considered the affidavits of income, assets and expenditure filed by both the parties. It rejected the respondent's allegation that the revisionist was working as a teacher since no



evidence was led in support thereof, and recorded that she had no independent source of income.

13. While assessing the respondent's financial capacity, the learned Family Court examined his salary slips for the months of May to July, 2022, Form 16 and bank statements. Though his gross monthly salary was ₹82,569.83, the learned Family Court declined to deduct the EMIs towards his personal loans and assessed his disposable income at approximately ₹80,000/- per month. The disclosure regarding his investments in mutual funds and stocks was also a part of the material placed before the learned Family Court.

14. The learned Family Court thereafter awarded maintenance of ₹22,000/- per month from the date of filing of the petition. The amount constitutes more than one-fourth of the respondent's assessed disposable income. Respondent's necessary expenses at his place of posting at Nashik were also taken into account by the Court and the submission that only the rent component was considered is also not borne out from the impugned judgment. Further, the expenditure disclosed by the claimant is a relevant factor, but it does not make it mandatory for the Court to award an identical amount, as the same has to be considered in light of the proved financial capacity and reasonable expenses of the other spouse.

15. The assertion that the respondent is presently earning approximately ₹2,00,000/- per month is not supported by any updated salary slip, income-tax return, bank statement, employer's certificate or any other cogent material. Similarly, no document has been placed on record quantifying any recurring income earned from the disclosed investments. The existence of investments, by itself, cannot establish a particular amount of monthly return. The maintenance cannot, therefore, be enhanced in revision merely on the basis of



an oral assertion.

16. If there has been a subsequent material change in the income of either party or in the relevant circumstances, it shall be open to the revisionist to seek alteration of maintenance by availing the appropriate remedy in accordance with law and by placing supporting material before the competent Court.

17. In view of the foregoing, this Court finds no patent defect, illegality or material irregularity that would call for interference by this court in the impugned judgment dated 28.02.2026 in exercise of its revisional jurisdiction.

18. Accordingly, the present revision petition is dismissed. Pending applications also stand disposed of.

19. A copy of this order be sent to the learned Family Court for necessary information and compliance.

20. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

SEPTEMBER 9, 2026/JYH/PG