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

CNR No. DLHC010440652026

+ **CRL.REV.P.(MAT.) 550/2026 & CRL.M.As. 28761-28763/2026**
JATIN BHANDARI Revisionist

Through: Mr. Niraj Chaudhary, and Ms.
Nisha, Advocates.

versus

MUSKAN SAPRA Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.09.2026**

1. By way of this revision petition under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the revisionist assails an order of the Family Court dated 18.12.2025, whereby ad interim maintenance of Rs. 10,000/- per month, i.e. Rs. 5,000/- per month each, has been granted in favour of respondent [wife of the revisionist], and their daughter.

2. Mr. Niraj Chaudhary, learned counsel for the revisionist, states that the application for interim maintenance remains pending before the Family Court, and is next scheduled to be listed on 23.09.2026. However, he submits that the impugned order dated 18.12.2025, was passed in the absence of the revisionist and his counsel.

3. According to Mr. Chaudhary, the revisionist is earning only Rs.



12,000/- per month, as a primary teacher in a school, and is also paying rent of Rs. 4,000/- per month. He submits that the Family Court has erroneously computed the ad interim maintenance, considering the monthly salary of the revisionist as Rs. 21,000/- per month, in accordance with minimum wages of a skilled worker of Delhi.

4. Having heard Mr. Chaudhary, I do not consider it appropriate to interfere with the impugned order in the exercise of revisional jurisdiction of this Court. Revisional jurisdiction is available only to correct jurisdictional errors and manifest irregularities, in the approach of the Court. Reference in this connection may be made to the judgment of the Supreme Court in *Amit Kapoor v. Ramesh Chander*¹, which distils the principles governing the exercise of revisional jurisdiction in the following terms:

“12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

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18. It may also be noticed that the revisional jurisdiction exercised by the High Court is in a way final and no inter court remedy is available in such cases. Of course, it may be subject to jurisdiction of this Court under

¹ (2012) 9 SCC 460.



Article 136 of the Constitution of India. Normally, a revisional jurisdiction should be exercised on a question of law. However, when factual appreciation is involved, then it must find place in the class of cases resulting in a perverse finding. Basically, the power is required to be exercised so that justice is done and there is no abuse of power by the court. Merely an apprehension or suspicion of the same would not be a sufficient ground for interference in such cases.

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20. The jurisdiction of the court under Section 397 can be exercised so as to examine the correctness, legality or propriety of an order passed by the trial court or the inferior court, as the case may be. Though the section does not specifically use the expression “prevent abuse of process of any court or otherwise to secure the ends of justice”, the jurisdiction under Section 397 is a very limited one. The legality, propriety or correctness of an order passed by a court is the very foundation of exercise of jurisdiction under Section 397 but ultimately it also requires justice to be done. The jurisdiction could be exercised where there is palpable error, non-compliance with the provisions of law, the decision is completely erroneous or where the judicial discretion is exercised arbitrarily. On the other hand, Section 482 is based upon the maxim quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest i.e. when the law gives anything to anyone, it also gives all those things without which the thing itself would be unavoidable. The section confers very wide power on the Court to do justice and to ensure that the process of the court is not permitted to be abused.”

The aforesaid view has been reiterated by the Supreme Court in *State of Gujarat v. Dilipsinh Kishorsinh Rao*².

5. In the present case, the impugned order is one of ad interim maintenance, while the application for interim maintenance, and the substantive maintenance petition, remains pending before the Family Court. Ad interim maintenance orders are temporary measures, intended to protect the petitioners therein from penury and destitution, during the pendency of the proceedings.

6. Although the revisionist admits that he is working as a primary



teacher in a school, it is his contention that he is earning Rs. 12,000/- per month, which is far below the minimum wages of a skilled worker in Delhi, and is not in accordance with the prescribed wages, under the Delhi School Education Act & Rules, 1973.

7. In these circumstances, I find no jurisdictional error or fault in the approach of the Family Court, computing ad interim maintenance on, at least, the scale of minimum wages. While the maintenance proceedings remain pending, as also the interim maintenance application, I do not find any merit in the revision petition, but leave it open to the revisionist to take all his rights and contentions before the Family Court in those proceedings.

8. The revision petition, alongwith pending applications, is dismissed, in view of the above terms.

9. It is made clear that the observations of this Court are intended only for disposal of the present revision petition, and will not affect the rights and contentions of the parties in the proceedings before the Family Court.

PRATEEK JALAN, J

SEPTEMBER 17, 2026

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² (2023) 17 SCC 688, paragraph 14.