



2026:DHC:8776-DB



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

Date of decision: 28th SEPTEMBER, 2026

IN THE MATTER OF:

CNR No. DLHC010466272026

+ **MAT.APP.(F.C.) 366/2026**

PRATAP

.....Appellant

Through: **Ms. Meera Kaura Patel & Ms. Heena,
Advocates.**

versus

MANJU

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MS. JUSTICE RENU BHATNAGAR

JUDGMENT (ORAL)

CM APPL. 67110/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the application stands disposed of.

CM APPL. 67109/2026 (Delay in filing)

1. The present application under Section 5 of the Limitation Act, 1963 read with Section 151 of CPC has been filed by the Appellant seeking condonation of delay of 15 days in filing the appeal.
2. For the reasons stated in the application, the delay of 15 days in filing the Appeal stands condoned.
3. The application is disposed of.

MAT.APP.(F.C.) 366/2026

1. The present Appeal under Section 19(1) read with Section 19(6) of



the Family Courts Act, 1984 has been filed by the Appellant against the Order dated 30.07.2026 passed by the Ld. Principal Judge, Family Court, South District, Saket Courts, Delhi [**“Family Court”**], in H.M.A. No. 2368/2023, deciding the Respondent’s application filed under Section 24 of the Hindu Marriage Act, 1955, whereby the Ld. Family Court has fixed interim maintenance of Rs.6,000/- per month towards the maintenance of the minor daughter, with effect from 09.05.2024. The Ld. Family Court has also directed the Appellant herein to clear all arrears of maintenance within six months in 06 equal instalments, with the direction that the amount of Rs.1,000/- which is already being paid to the minor daughter in the proceedings initiated under the Protection of Women from Domestic Violence Act, 2005 [**“Domestic Violence Act”**] is to be adjusted against the amount of interim maintenance.

2. Shorn of unnecessary details, the facts, which are required for adjudication of the present Appeal, are that the marriage of the Appellant and the Respondent was solemnized in Delhi on 02.02.2012 according to Hindu Rites and Ceremonies. The Appellant and the Respondent both were residing together at matrimonial home i.e., D-568, Gali No.1C, Sangam Vihar, South Delhi, New Delhi - 110080. A female child, named, Navya was born out of the wedlock on 14.11.2012.

3. Disputes arose between the Parties within five months of the marriage. The list of dates indicates that at the time when the child was born, the Respondent was staying with the Appellant. Though there was some resumption of matrimonial life, a complaint was filed by the Respondent against the Appellant under the Domestic Violence Act. It is the case of the Appellant that on 18.10.2014, the Respondent hit the infant Navya very badly due to her temperamental stress and on being objected by the



Appellant, Respondent called upon the police. Thereafter, the Appellant was detained by the police and when the Appellant was released by the police the next morning, the Appellant found out that the Respondent had left for her parental home in the night itself.

4. It is stated that attempts to settle the disputes amicably were initiated, however, all the attempts were in vain.

5. It is further stated that on 23.12.2015, the Respondent filed a complaint under Section 12 and Section 23 of the Domestic Violence Act which is pending before the Ld. M.M., Mahila Court, District South-East, Saket Court, New Delhi. On 01.09.2017, the Ld. MM, Mahila Court, passed an order of maintenance of Rs. 3,000/- in favour of the Respondent on an application under Section 23 of the Domestic Violence Act.

6. Material on record indicates that on 15.12.2023, the Appellant filed a Divorce Petition being HMA/2368/2023 under Section 13(1)(ia) of the Hindu Marriage Act, 1955 for dissolution of marriage on the ground of alleged cruelty on the part of the Respondent. In the said petition, the Respondent moved an application under Section 24 of the Hindu Marriage Act seeking interim maintenance during the pendency of Divorce Petition.

7. The Ld. Family Court *vide* the impugned Order dated 30.07.2026 recorded the submission on behalf of Respondent that the Respondent is a graduate and employed with P.C. Jewellers as a helper and is earning a decent amount and therefore, she is not claiming any maintenance for herself and is only claiming maintenance for minor daughter who is around 14 years of age, studying in 9th standard in a private school under the EWS quota. It was further recorded that the Appellant is also a graduate and according to the affidavit filed by the Appellant, he is engaged in labour and his monthly income is Rs.4,000/- to Rs.5,000/- per month. The Ld. Family



Court further observed that the claim of the Appellant that he is only earning Rs.4,000/- to Rs.5,000/- per month is not acceptable as he is a graduate and an able bodied person. The Ld. Family Court also observed that the minimum wages for graduates in Delhi were Rs.23,082/- at the time of filing of the divorce petition and presently, at the time of passing of the Order, the minimum wages stand enhanced to Rs.25,876/-. The Ld. Family Court observed that the claim of the Appellant regarding his earning of Rs.4,000/- to Rs.5,000/- per month is not acceptable for the other reason that it is much below the earning of Rs.9,337/- which the Appellant had claimed in the proceedings under the Domestic Violence Act. In view thereof, the Ld. Family Court, on a rough and ready method directed the Appellant to pay an amount of Rs.6,000/- per month to Respondent for maintenance of the minor child with effect from 09.05.2024, and to clear all arrears of maintenance within six months in 06 equal instalments, with direction that the amount of Rs.1,000/- which is already being paid to minor daughter in the proceedings initiated under the Domestic Violence Act is to be adjusted against the amount of interim maintenance.

8. It is this Order dated 30.07.2026 passed by the Ld. Principal Judge, Family Court, South District, Saket Courts, Delhi which is under challenge in the present Appeal.

9. The present Appeal primarily concentrates on the alleged cruelty inflicted by the Respondent on the Appellant. These are matters which are to be adjudicated by the Ld. Family Court by taking into account the evidence adduced by the Parties. This Court is not dilating on that aspect as they do not have bearing on the issue of interim maintenance that has been directed to be paid by the Appellant to his minor daughter.

10. It is the case of the Appellant that the Respondent is earning a



substantial amount of money and therefore, the Ld. Family Court has erred in awarding Rs.6,000/- interim maintenance to be paid for the minor daughter and in any event, the amount of interim maintenance is on the higher side.

11. Heard the learned Counsel appearing for the Appellant and perused the material on record.

12. It is the duty of both the husband and the wife to rear the child. Both sides have to contribute to the development of the child. Both the husband and the wife i.e., the Appellant and the Respondent, are graduates. The child is studying in 9th standard. Apart from school fees, there are also many other expenses to be incurred on the child.

13. The Appellant has not given any cogent reason as to why he is being paid below the minimum wage as fixed by the Government. The Family Court has found that the claim of the Appellant that he is earning only Rs.4,000/- to 5,000/- per month is not acceptable as the Appellant has himself stated in the proceedings under the Domestic Violence Act that he is earning Rs.9337/- per month. The Apex Court in Rajnish v. Neha, (2021) 2 SCC 324, has taken judicial note of the fact that the parties do not make true and proper disclosure in their income affidavits and there is no other option left with the Court other than to make a guesstimate of the income.

14. The finding of the Ld. Family Court that the Appellant has not made proper disclosures about his income does not warrant any interference as the amount which the Appellant claims that he is earning is less than the wages as per the Minimum Wages Act, 1948. The Ld. Trial Court has also drawn adverse inference on the ground that even before the proceedings under the Domestic Violence Act, the Appellant has shown higher income.

15. This Court notes that the salary certificate of the Appellant is not



before this Court. It is not as if the mother i.e., Respondent, is earning a substantial amount of money which would not require any contribution from the father i.e., Appellant, for upbringing of the minor child. As stated earlier, mere school fees is not sufficient and there are many other expenses which are required to be incurred on the child and the mother alone should not be expected to contribute for all the expenses of the child.

16. Therefore, this Court is of the opinion that the interim maintenance of Rs.6,000/- per month as fixed by the Ld. Family Court *vide* the impugned Order dated 30.07.2026 towards the maintenance of the minor daughter, after adjusting the amount of Rs.1,000/- which is already being paid to minor daughter in the proceedings initiated under the Domestic Violence Act, cannot be said to be exorbitant or unreasonable.

17. In view of the above, this Court is not even inclined to issue notice in the present Appeal directing the Respondent to appear before this Court and make her spend money on litigation.

18. Resultantly, the Appeal is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

SEPTEMBER 28, 2026

S. Zakir