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

% ***Date of decision: 04th October, 2023***

+ **MAT.APP.(F.C.) 87/2023 & CM APPL. 16125/2023 (Stay)**

MONIKA WADHWA Appellant
Through: Mr. Piyush Pahuja, Advocate through
video conferencing with appellant in
person.
versus

SANJAY WADHWA Respondent
Through: Mr. Raj Kumar, Mr. Atul Rawat &
Mr. Rachet Sharma, Advocates with
respondent in person.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. The present Appeal under Section 19 of the Family Courts Act read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the appellant/wife to set aside the impugned Order dated 23.01.2023, whereby the application seeking interim maintenance has been denied by the learned Judge, Family Court, North District, Rohini Courts.
2. The appellant/wife had filed a Petition under Section 125 of the Cr.P.C., 1973 to claim maintenance by contending that she had no source of income and was unable to maintain herself. She further claimed that the respondent/husband was running a business of manufacturing and trading of machine and earning Rs. 4,00,000/- per month. Aside from this, it was also



claimed that the respondent/husband had rental income of Rs. 1,00,000/- and his total income is Rs. 5,00,000/- per month. The appellant/wife claimed maintenance of Rs. 1,50,000/- per month.

3. The appellant/wife, in support of her assertions, had filed her detailed Income Affidavit giving the details of her monthly expenses and also reaffirmed that she was not earning. The appellant/wife disclosed her qualification as Graduate and claimed that her general monthly expenses were Rs. 40,000/- per month.

4. The **respondent/husband in his Reply** claimed that the appellant/wife had not disclosed her true qualifications, Income and other relevant details. The respondent/husband had claimed that the appellant/wife was a qualified lady earning Rs. 20,000/- per month by giving tuitions.

5. The respondent/husband had further explained that he himself was a Graduate in Bachelor of Commerce and working as a Salesman with Harshil Motors and getting a salary of Rs. 15,000/- per month.

6. The **learned Judge, Family Court** denied the maintenance at interim stage by observing that the appellant is not forthcoming with her actual resources and at that stage, there were reasons to believe that she was having sufficient means to maintain herself.

7. Aggrieved, the present Appeal has been preferred by the appellant/wife.

8. **Submissions heard from learned counsels for both the parties and record perused.**

9. The appellant/wife in her Affidavit of Income had mentioned that she was a Graduate and was not earning anything. However, she in her Reply to the Application under Section 340 of Cr.P.C., 1973 filed by the



respondent/husband, had admitted that she had qualified SGTB Preliminary Examination in the year 2004 and she had also done NTT Course in the year 2006. The appellant/wife had also admitted having LIC policies, FDRs and that a sum of Rs. 13,00,000/- were received as alimony from her first husband. The appellant/wife's explanation for not disclosing any of these facts was that she was under the impression that all these documents would be relevant at the time of final adjudication of the maintenance.

10. We find that the Judge, Family Court has rightly denied the maintenance to the appellant/wife at the interim stage considering that she was not forthcoming in disclosing her actual resources.

11. We find no merit in the present Appeal which along with pending application, if any, is hereby dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 04, 2023
S.Sharma