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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 82/2024, CRL.M.A. 33166/2024, CRL.M.A.
33167/2024

YASHENT KUMAR

.....Petitioner

Through: Mr. Sudhir Sharma, Adv. with
petitioner.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Mukesh Kumar, APP for the State
and SI Yashpal Singh, PS Farsh
Bazar.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
06.11.2024

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CRL.M.A. 33168/2024

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CRL.REV.P.(MAT.) 82/2024

1. The present revision petition has been filed under Section 19(4) of the Family Courts Act r/w Section 438/442 and 528 BNSS against the order dated 16.08.2023 passed by Ld. Judge Family Court, Shahdara in Mt. Case No. 74/2016 wherein maintenance of Rs.15,000/- per month was awarded to Respondent No. 2.
2. I have considered the submissions and gone through the documents placed on record, and in the impugned order, it has been recorded that



the present petitioner was served many times and given enough opportunities to file WS however, he chose not to file the WS. Hence, his Defence was also struck off, as recorded in para-3 of the impugned order dated 16.08.2023.

3. After going through the impugned order, this court finds that the Ld. Trial Court has rightly assessed the income. It is undisputed that the respondent/wife does not have any source of income and is unable to maintain herself. The principle underlying section 125 of Cr.P.C is that it is in furtherance of social justice and has been enacted to ensure that women and children remain protected from a life of destitution and potential vagrancy. The object of maintenance proceedings is not to punish a person for his past neglect but to prevent vagrancy by compelling those who can provide support to those who are unable to support themselves and who have a moral claim for support. This was observed concisely by the Supreme Court in the case of **Chaturbhui v. Sita Bai** (2008) 2 SCC 316.
4. In **Shri Bhagwan Dutt v. Smt. Kamla Devi and Another** (1975) 2 SCC 386, the Supreme Court stated that in view of the objective of the provision of maintenance, it is necessary for the courts to discern what is required by the wife to maintain a standard of living which is neither luxurious nor penurious but is modestly consistent with the status of the family.
5. A bare perusal of the record indicates that the applicant/husband is a man of means. He is a Chartered Accountant and is working with R.A. Kila & Company and drawing a salary of Rs. 30,000/- per month plus some other undisclosed payments as recorded by the Ld. Trial



court. Therefore, a grant of Rs.15,000/- P.M. as maintenance to the respondent/wife cannot be said to be on the higher side.

6. In the case of **Rajnesh Vs. Neha and another**, 2021 (2) SCC 324, the Apex Court listed all the factors that are required to be taken into consideration. It further observed that an able-bodied person is under obligation to grant maintenance to his wife to prevent her from destitution and vagrancy. While granting interim maintenance, the court is required to have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living.
7. The petitioner, being a Chartered Accountant, possesses the professional capacity to generate income through private practice, a significant portion of which may potentially remain undocumented or unrecorded in formal banking channels. Consequently, a comprehensive assessment of the respondent's actual earnings cannot be conclusively determined solely through official salary records or income tax returns, which appear to demonstrate a pattern of diminishing reported income.
8. The professional nature of a Chartered Accountant's work inherently provides multiple income streams that may not be transparently reflected in traditional financial documentation. This circumstance necessitates a more nuanced and speculative approach to income evaluation, recognizing the potential for earnings beyond the formally declared sources.
9. The submitted income tax returns and salary statements may, therefore, provide an incomplete and potentially misleading



representation of the respondent's true financial capacity, requiring a more sophisticated and comprehensive method of financial assessment that acknowledges the complex income generation potential inherent in professional practices like chartered accountancy. Therefore, I find no force in the contention raised by the learned counsel for the petitioner/husband that the amount of interim maintenance awarded is on the higher side. Hence, the same being unacceptable is repelled.

10.If in light of the above propositions the interim maintenance awarded by the Trial Court is seen, it appears to be just and reasonable because in these days when living has become costly and inflation rates are spiralling and cost of living has gone up to a high level. In such circumstances, award of Rs.15000/- only per month as maintenance to a wife having no source of income cannot be said to be on the higher side.

11.In view of the above discussion and the material on record, I am of the considered view that the learned Family Court has not committed any error in granting Rs.15000/- per month as maintenance to the respondent/wife from the petitioner/husband.

12.Accordingly, the present revision petition, along with all the pending applications, if any, stand dismissed.

DINESH KUMAR SHARMA, J

NOVEMBER 6, 2024/AR/HT....