



2025:DHC:11241



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

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Date of Decision: 11th December, 2025

+ **CRL.REV.P. 38/2023 & CRL.M.A. 1047/2023,**
CRL.M.A. 1048/2023, CRL.M.A. 1049/2023, CRL.M.A.
1050/2023

SMT. MANJU YADAV

.....Petitioner

Through: Ms. Niharika Ahluwalia,
Adv. (DHCLSC) with Ms.
Sonakshi Chaturvedi, Adv.
with the petitioner in
person.

versus

SH. ANOOPAM YADAV & ORS.

.....Respondents

Through: Counsel through VC
(Appearance not given)

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By the present petition, the petitioner essentially challenges the order dated 28.02.2022 (hereafter '**impugned order**') passed by the learned Principal District and Sessions Judge ('**PDSJ**') Karkardooma Courts, Delhi in Crl. Appeal No. 10/2022 whereby the learned PDSJ in the appeal filed by the petitioner under Section 29 of the Protection of Women from Domestic Violence Act, 2005 set aside the order dated 18.12.2021 passed by the learned Mahila Court and directed



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Respondent No. 1 to pay interim maintenance of ₹12,000/- per month to the petitioner (₹5,000/- per month for the petitioner, and ₹3,500/- each for the two children [now major]).

2. By the order dated 18.12.2021, the learned Mahila Court had dismissed the application filed by the petitioner under Section 23 of the DV Act seeking grant of interim maintenance while specifically noting that Respondent No. 1 was not only living with the petitioner and their children but was also discharging his duties as a husband and father. It was further noted that the documents filed by Respondent No.1 *prima facie* showed material concealment by the petitioner in relation to her previous employment, income and assets.

3. As noted above, by the impugned order, the learned PDSJ directed Respondent No. 1 to pay interim maintenance of ₹12,000/- per month to the petitioner (₹5,000/- per month for the petitioner, and ₹3,500/- each to the two children). The learned PDSJ further directed Respondent No. 1 to continue to pay the school fee, tuition fee and the medical expenses of the children in addition to the amount to be paid as interim maintenance.

4. The learned counsel for the petitioner submits that the impugned order only offers a paltry sum as interim maintenance to the petitioner. She submits that Respondent No. 1 was earning a sum of ₹3,00,000/- per month as per his own admission. She submits that Respondent No. 1 owns several properties. She submits that Respondent No. 1 has purposefully depleted his bank accounts to conceal his true income to evade the payment of maintenance.



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5. She submits that the petitioner is not gainfully employed and submits that the interim maintenance awarded is not sufficient for her sustenance. She consequently prays that the interim maintenance be enhanced.

6. *Per contra*, the learned counsel for the respondents submits that Respondent No. 1 is not gainfully employed at present and had resigned from his job way back in May, 2019. He submits that Respondent No. 1, in addition to paying the interim maintenance, is also paying the school fee, tuition fee as well as the medical expenses of the children as per the direction of the learned PDSJ which amounts to ₹25,000/- per month. He submits that in addition to the same, a sum of ₹6,000/- was directed to be paid to the petitioner by the learned Family Court, Gautam Buddh Nagar and the said fact has deliberately been concealed by the petitioner.

7. He submits that the petitioner herself is well qualified. He submits that the petitioner along with the children is residing with Respondent No. 1 in his only self-acquired property being Flat No. 603, Tower B6, Eros Sampooram, Greater Noida and is not required to pay any rent. He submits that the learned PDSJ had noted that as per the ITR of Respondent No. 1 for the Financial Year 2019-2020, the total annual income of Respondent No. 1 came at ₹3,70,785/-.

8. The scope of revisional jurisdiction under Sections 397 and 401 of the CrPC is narrow and circumscribed. Interference is warranted only where the impugned order suffers from patent illegality, perversity, gross impropriety, or results in miscarriage



of justice.

9. It is equally well-settled that orders granting interim maintenance are based on a *prima facie* assessment of material placed before the Court, and ordinarily ought not to be interfered with unless the finding is wholly arbitrary or untenable.

10. It is pertinent to note that the relationship between the parties has not been disputed. Both the parties have made rival claims in relation to the concealment on both the sides.

11. Upon a perusal of the impugned order, it is apparent that while granting interim maintenance, the learned PDSJ took into account all the contentions raised by the petitioner. In doing so, while passing the impugned order, the learned PDSJ noted that from a consideration of the material on record, both the parties appeared to be well qualified but were claiming to be unemployed. It was also considered that the petitioner is educated and was also a teacher, however, was not gainfully employed at the time of the filing of the complaint under Section 12 of the DV Act.

12. It was further noted that while Respondent No. 1 claimed to have been unemployed since 10.05.2019, as per his own income affidavit, his total income for the year 2019-2020 was ₹3,70,785/- (₹72,356/- from capital gain and interest income of ₹2,98,429/-). It was consequently noted that from the lifestyle of Respondent No. 1, it was apparent that he was concealing his true income. Consequently, without making a formal assessment of income of Respondent No. 1, the learned PDSJ directed Respondent No. 1 to pay a sum of ₹12,000/- per month to the



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petitioner (₹5,000/- per month to the petitioner, and ₹3,500/- each to the two children) from the date of filing of the application till the disposal of the complaint or till such time that the petitioner and her children are entitled to receive the same. The learned PDSJ further directed that as admitted by Respondent No. 1, he shall also additionally continue to pay the school fee, tuition fee, and medical expenses of the children.

13. The petitioner has challenged the quantum of interim maintenance claiming that Respondent No. 1 has consciously depleted his bank accounts to evade the payment of the maintenance. It has also been sought to be impressed upon this Court that Respondent No. 1 owns several properties and the payment of interim maintenance ought to be enhanced.

14. At this stage, as duly appreciated by the learned PDSJ, both the parties are claiming to be unemployed. The question pertaining to whether Respondent No. 1 was deliberately depleting his income to evade the payment of maintenance or not cannot be commented upon at this stage and would be considered after the parties have led their evidence.

15. The petitioner, at this stage, has not brought forth any material to highlight that Respondent No. 1 is employed or earning a higher amount.

16. Admittedly, the petitioner along with their children are residing with Respondent No. 1 and he is also paying for the school fees, tuition fee and medical expenses of the children. In such circumstances, considering the rival submissions of both the parties, and the facts and circumstances of the present case, this



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Court is of the opinion, that the grant of interim maintenance of ₹12,000/- per month to the petitioner (₹5,000/- per month to the petitioner, and ₹3,500/- each to the two children) is reasonable at this stage. Evidently, the learned PDSJ has undertaken only a *prima facie* assessment of the material on record.

17. It is not disputed that the impugned order is only an order of interim maintenance. The defences raised by the petitioner, along with the allegations and counter allegations, would be the subject matter of the evidence, and cannot be finally decided at this stage.

18. The learned Family Court is directed that the final order be passed in the case uninfluenced by the findings made in the impugned order or this order.

19. In view of the above, this Court finds no reason to interfere with the impugned order and the present petition is accordingly dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 11, 2025

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