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

+ CRL.M.C. 645/2025 & CRL.M.A. 3060/2025

VARUN ANAND

.....Petitioner

Through: Mr. Anil Sharma, Mr.
Arpit Sharma and Ms.
Kusum, Advocates.

versus

SUMEDHA MANCHANDA

.....Respondent

Through: Mr. Rashid Hashmi,
Advocate along with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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17.07.2025

1. The present petition is filed challenging the judgment dated 29.11.2024 (hereafter '**impugned judgment**'), passed by the learned Additional Sessions Judge ('**ASJ**'), West District, Tis Hazari Courts, Delhi in Criminal Appeal No. 37/2024.

2. The learned ASJ, by the impugned judgment allowed the appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 ('**DV Act**') filed by the respondent and set aside the order dated 11.01.2024, passed by the learned Magistrate awarding interim maintenance of ₹12,500/- per month in favour of the respondent and their minor daughter respectively, inclusive of all necessary expenses, *inter alia*, food, clothing, education, housing, etc. The respondent had also challenged a separate order of the same date, whereby the learned Magistrate had dismissed the application filed by the respondent under Section 19 of the DV Act whereby she had sought the relief of residing peacefully at property bearing no.



197, Ambika Vihar, which was allegedly the matrimonial house of the parties.

3. By the impugned order, the learned ASJ awarded an interim maintenance of ₹10,000/- per month in favour of the respondent as well as the minor child of the parties respectively. Furthermore, rent of ₹10,000/- per month was awarded in favour of the respondent under Section 19 of the DV Act.

4. It is submitted by the learned counsel for the petitioner that the learned ASJ has failed to appreciate that as on date of filing of the petition, the parties had no shared household and the respondent had left the matrimonial home on 05.07.2020.

5. It is further submitted that the respondent has been residing with her father and in the absence of any separate accommodation being taken on rent by her, no relief ought to have been granted to the respondent. Furthermore, it is contended that the respondent had left the matrimonial house in a calculated manner and registered an FIR levelling serious allegations against the petitioner and his family members.

6. It is also contended that the learned ASJ has erroneously assessed the income of the petitioner on a higher end without appreciating his ITR and granted an exuberant sum to the respondent. It is contended that the learned ASJ has also failed to appreciate that the respondent has sufficient disposable income.

7. The learned counsel for the respondent has contested the submissions of the learned counsel for the petitioner and stated that the awarded maintenance is instead on the lower end, due to which, the respondent has filed a separate case against the impugned order as well.

8. I have heard the counsel and perused the record.

9. At the outset, it is relevant to note that the petitioner has



not pressed the challenge to the substantive maintenance of ₹10,000/- per month that has been granted in favour of the respondent as well as the minor child of the parties. The challenge has been restricted to the award of ₹10,000/- per month towards rent under Section 19 of the DV Act.

10. The petitioner has not tendered any arguments in relation to no *prima facie* case of domestic violence being made out at this stage. The limited question before the Court is whether any relief ought to have been granted towards rent, and if so, whether the granted sum is exuberant.

11. The main thrust of the petitioner is on the argument that the respondent is not entitled to any relief for rent as she has not rented out any accommodation and she had left the matrimonial house herself. The learned ASJ in the opinion of this Court rightly noted that considering the nature of allegations as made by the respondent against her father-in-law that he had made inappropriate comments and entered her room without permission, it would be inappropriate to permit the respondent to re-enter the subject house. In view of the same, the learned ASJ had noted that relief of rent in lieu of accommodation can be granted to the respondent. This Court is in agreement with the said observation.

12. Merely because the respondent is currently residing at her maternal house, the same does not disentitle her from seeking relief towards her residence. If the Court were to accept such a proposition, the right of *bona fide* victims, who live with their parents till grant of interim relief, will be defeated. No such bar has been envisaged in the DV Act and the Court is empowered to direct the husband to secure an alternate accommodation or to pay rent for the same after observing that a *prima facie* case of



domestic violence is made out

13. Moreover, the learned ASJ has only granted a reasonable amount of ₹10,000/- towards rent by observing that as per the case of the petitioner as well, he is also renting out a property for the aforesaid sum. While it is argued that the respondent has sufficient disposable income, it is pertinent to note that the respondent is the primary caregiver of the minor child of the parties and at this stage, in absence of any proof of sufficient earning by the respondent, the maintenance amount by itself does not appear to be sufficient to secure a residence.

14. *Prima facie*, the awarded amount does not appear to be exuberant. It is argued that the income of the petitioner has been erroneously assessed on the higher end. Much emphasis has also been laid upon the ITR of the petitioner. The learned ASJ has extensively discussed the aspect of income of the petitioner and rightly noted that while the ITR of the petitioner depicts a lower income, however, his bank accounts reflect unexplained transactions of huge amounts, even during the years 2021-2022. It has also been noted that there is a radical decrease in the bank balance of the petitioner. It was noted that the petitioner's business also seems to be running well as the account statement reflects entries running into lakhs of rupees.

15. After taking noting of the aforesaid factors along with the discrepancies in the affidavit tendered by the petitioner, the learned ASJ observed that there is manipulation of ITR and accounts as well and assessed the income of the petitioner as not less than ₹60,000/ month. It has been noted in a catena of judgments that there is a tendency to downplay the income when a person is embroiled in a matrimonial dispute and that even income tax returns do not necessarily provide an accurate



reflection of the actual income in such cases (Ref. ***Kiran Tomar v. State of U.P. : 2022 SCC OnLine SC 1539***). No explanation has been tendered for the transactions of high amounts or to contest the observations of the learned ASJ. The learned Magistrate had assessed the income of the petitioner in the range of ₹30,000/- to ₹35,000/- essentially on the basis of his ITR without duly appreciating the bank entries reflected from the record. At this stage, *prima facie*, this Court does not find the assessment to be unfair.

16. Even so, undisputably, the impugned order relates to interim reliefs. The defences raised by the petitioner, along with the allegations and counter allegations, would be the subject matter of the trial, and would have to be decided after the parties have led their evidence. The learned Trial Court would pass a final order after considering the evidence on record.

17. In view of the aforesaid discussion, I find no merit in the present petition and the same is accordingly dismissed.

AMIT MAHAJAN, J

JULY 17, 2025