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

+ **CRL.REV.P. 155/2023 & CRL. M.A. 4050/2023**

KAMAL KISHORC OKHARWAL .....Petitioner  
Through: Mr. Agraza, Mr. Jeevak  
Kumar and Mr. Gyan  
Mitra, Advs.

versus

NIRMAL SINGH & ORS. ....Respondent  
Through: Mr. Ram Kumar and  
Mr. L.K. Dixit, Advs. for  
the respondents.

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**  
**25.09.2025**

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1. The present petition is filed challenging the order dated 221.11.2022 (hereafter '**impugned order**'), passed by the learned Family Court, Karkardooma Courts, Delhi, in MT No. 358/2020.
2. By way of the impugned order, the learned Family Court in a petition filed by the respondents under Section 125 of the Code of Criminal Procedure, 1973 ('**CrPC**'), has directed the petitioner to pay interim maintenance for a consolidated sum of ₹30,000/- per month to the respondents (that is, ₹10,000/- for each respondent), from the date of the filing of the application till the disposal of the maintenance petition. Respondents are the wife and two minor children of the petitioner respectively.



3. The learned counsel for the petitioner submits that the learned Family Court has awarded an exuberant amount as maintenance without appreciating that Respondent No.1 is highly qualified and she was previously employed with Air Vision India Pvt. Ltd. as an engineer. He submits that Respondent No.1 has concealed her true financial status and she is currently earning by teaching in tuition classes as is indicated by a photograph of a Board for tuition classes mentioning the number of Respondent No.1.

4. He further submits that even though the learned Family Court has noted that the petitioner's income is around ₹33,059/- per month, however, despite the same, ₹30,000/- has been awarded as maintenance to the respondents.

5. *Per contra*, the learned counsel for the respondents submits that the respondents are living in rental accommodation and Respondent Nos. 2 and 3 (minor children of the parties) are school going children.

6. He submits that it is wrong to suggest that Respondent No.1 is teaching any tuitions, and the petitioner has concealed his income by purchasing properties in the name of his family members and he has also not disclosed the details of all the bank accounts that are maintained by him.

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

8. The main thrust of the petitioner's arguments is that the learned Family Court has awarded a high amount as interim maintenance even after noting that the monthly income of the petitioner is around ₹33,059/-.



9. A bare perusal of the impugned order indicates that the learned Family Court has meticulously accounted for the regular credit entries in the bank statements of the petitioner to take a *prima facie* view in regards to the income of the petitioner. It has been noted that although the petitioner had only admitted to an income of about ₹24,000/- to ₹25,000/- per month, however, the unexplained credit entries in his account in Union Bank of India indicate that he has a monthly income of around ₹33,059/-. The learned Family Court also took into account the multiple credit entries in the petitioner's bank account in Bank of Baroda, one of which was from the Shahdara Bar Association, to ultimately assess the petitioner's income as ₹50,000/-.

10. As noted by the learned Family Court, the petitioner had not disclosed his source of income to justify the credit entries.

11. It is common knowledge and has been observed by this Court in many cases that it is a normal tendency of the parties, especially in matrimonial disputes to not disclose their true incomes. The Courts in such circumstances are permitted to make some guess work and arrive at a figure that a party may reasonably be earning [Ref: ***Bharat Hegde v. Saroj Hegde*:2007 SCC OnLine Del 622**]. Considering the observations made by the learned Family Court in regard to the credit entries in the bank accounts of the petitioner, at this stage, *prima facie*, the assessment of the petitioner's income does not appear to be erroneous.

12. The learned Family Court has rightly applied the *dictum* in the case of ***Annurita Vohra v. Sandeep Vohra* : 2004 SCC OnLine Del 192**, wherein it was held that the family income



should be divided equally between all the family members entitled to maintenance with one extra portion / share being allotted to the earning spouse since extra expenses would necessarily occur. The learned Family Court has rightly awarded one share to each respondent by splitting the assessed income of the petitioner in five portions.

13. Insofar as the argument in relation to Respondent No.1 being well-qualified and her conducting tuition classes is concerned, as noted by the learned Family Court, the purported photograph relied upon by the petitioner does not indicate when the photograph was taken or if Respondent No.1 is earning any income. *Prima facie*, at this juncture, no such cogent material has been brought forth to show that Respondent No.1 is capable of maintaining herself and the minor children of the parties. Merely because a woman is capable to earn or is more qualified, it does not mean that she is not entitled to receive maintenance specially when she also has to take care of two minor children.

14. It is trite law that a husband cannot shirk his sacrosanct duty to financially support his wife and minor children [Ref. ***Shamima Farooqui v. Shahid Khan : (2015) 5 SCC 705***]. Thus, it is incumbent on the petitioner, who is an able-bodied man, to financially support the respondents, which includes the minor children of the parties. Even otherwise, in the opinion of this Court, the consolidated interim monthly maintenance of ₹30,000/- per month is reasonable.

15. 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 trial, and would have to be decided after the parties have led their evidence. At the interim stage, Court directing the petitioner to pay ₹30,000/- as maintenance for the wife and two minor children, considering the income and unexplained entries in the bank account cannot be faulted with.

16. In view of the above, this Court finds no reason to interfere with the impugned order, and the petition is dismissed.

17. It is made clear that the observations in the present order are for the purpose of deciding the present petition, and shall not influence the final outcome of the case.

**AMIT MAHAJAN, J**

**SEPTEMBER 25, 2025**

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