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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 77/2025 & CRL.M.A. 13068/2025**
SH. HARJINDER SINGHPetitioner
Through: **Ms. Ravinder Kaur, Advocate**

versus

MS. JYOTIRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
30.04.2025

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1. The present revision petition under section 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ is directed against order dated 29th August, 2024 passed by Family Courts, South-East District, Saket Courts Delhi, in MT. No. 19/2024, titled ***“Jyoti & Anr. v. Harjinder Singh”***. By the said order, the Family Court, on a petition filed under Section 125 of the Code of Criminal Procedure, 1973,² awarded a monthly interim maintenance of ₹25,000/- to the Respondent and the minor daughter of the Petitioner and the Respondent.

2. Briefly stated, the facts of the petition are as follows:

2.1. The Petitioner and the Respondent got married on 29th June, 2018. From this marriage, a daughter was born on 11th March, 2019, who is presently in the custody of the Respondent. However, on account of temperamental differences and other reasons, the parties started residing

¹ “BNSS”

² “Cr.P.C”

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separately since 22nd June, 2023.

2.2. Subsequently, the Respondent applied to the Family Court for award of maintenance under Section 125 Cr.P.C. The Family Court, after considering the material on record, awarded a monthly interim maintenance of ₹25,000/- to the Respondent and the minor daughter.

3. Aggrieved, the Petitioner has invoked the revisional jurisdiction of this Court, impugning the aforesaid order. Counsel for the Petitioner urges the following grounds in support of his prayer:

3.1. The impugned order is based on conjecture and surmise. The Trial Court passed the said order in undue haste, without proper appreciation of the material evidence on record and failed to exercise its judicial mind while arriving at its conclusions.

3.2. The Trial Court failed to take into consideration that the Respondent is a skilled individual, being a certified Astrologer, who has completed multiple online astrology courses, and earns approximately ₹1,00,000/- or more per month. In contrast, the Petitioner earns a meagre net salary of ₹64,000/- per month, with an in-hand salary of only ₹60,000/- per month.

3.3. The Petitioner is further burdened with financial liabilities, including monthly EMIs of ₹16,862/- payable to HDFC Bank and ₹11,360/- payable to INCRED, towards home loan repayments.

3.4. The Petitioner has been suffering from health issues which have impacted his ability to attend office regularly. He has recently resumed his duties following recovery from his medical condition.

4. The Court has considered the submissions of the Petitioner. At the outset, it must be emphasized that the order dated 29th August, 2024 addresses merely an interim arrangement of maintenance, which is, by its

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very nature, a temporary arrangement meant to operate during the pendency of proceedings. Such orders are provisional and open to variation upon a comprehensive evaluation of evidence at the final stage.

5. It is pertinent to note that the Petitioner failed to file his income affidavit before the Family Court, despite ample opportunities given to him, leading to the closure of his right to file a reply and income affidavit. On the other hand, the Respondent submitted before the Family Court that the Petitioner is employed as an OT Attendant at a UPHC cum Maternity Home under the MCD, Badarpur, New Delhi, earning ₹65,000/- per month. While counsel for the Petitioner admitted the said employment, he claimed ignorance of the exact salary.

6. It is well-settled that in cases, when a party deliberately withholds or fails to disclose relevant income information without justification, the Courts are entitled to draw an adverse presumption against that party, presuming that honest disclosure would likely have been detrimental to their case.³ Accordingly, in the absence of an income affidavit from the Petitioner, the Family Court, accepted the Respondent's claim regarding the Petitioner's salary, corroborated by the admission of his employment by his own counsel, and assessed his monthly income as ₹65,000/-.

7. Furthermore, the Family Court observed that the Respondent is a housewife with no financial support from the Petitioner and is currently dependent on her sister for the maintenance of herself and the minor daughter. It was further noted that the said daughter is autistic and requires specialized treatment and therapies.

8. Considering the material available on record, the Petitioner's

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employment status and income, the relationship between the parties, and the special needs of the minor daughter, the Family Court awarded interim maintenance of ₹25,000/- per month to the Respondent and the minor daughter.

9. In light of the foregoing facts and circumstances, and considering that the Respondent has no independent source of income, while the Petitioner earns approximately ₹65,000/- per month, the Court is of the opinion that the award of interim maintenance is fair and justified, particularly given that Respondent is the sole caregiver of the minor child, who resides with her and requires special care due to her medical condition. Therefore, the Court finds no reason to interfere with the findings of the Family Court.

10. It bears reiteration that interim maintenance is intended as a stopgap arrangement to ensure financial subsistence and basic security during the pendency of proceedings. It neither concludes the rights of the parties nor prevents re-evaluation at the final stage. The impugned order does not suffer from any legal infirmity or perversity warranting interference in exercise of the Court's inherent jurisdiction.

11. In view of the above, the present petition is disposed of along with pending application.

12. The date already fixed, *i.e.*, 13th May, 2025, stands cancelled.

SANJEEV NARULA, J

APRIL 30, 2025/ab

³ *Bharat Hegde v. Saroj Hegde*, 2007 SCC OnLine Del 622.

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