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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 249/2023 & CRL.M.A. 6447/2023,**
CRL.M.A. 21743/2024

CHARAN SINGH

.....Petitioner

Through: Ms. Koplin K. Kandhari,
Adv.

versus

SWATI & ANR.

.....Respondents

Through: Mr. Vinayak Bhandari,
Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **02.12.2025**

1. By the present petition, the petitioner challenges the order dated 05.11.2022, passed by the learned Family Court in MT No. 217/21, thereby directing the petitioner to pay interim maintenance in the sum of ₹3,000/- per month each to the wife (Respondent No. 1) and the minor son (Respondent No. 2).
2. Notice was issued and by order dated 03.03.2025, this Court had directed the petitioner to continue paying a sum of ₹4,000/- per month as ad interim maintenance to the respondents. However, the petitioner has also failed to comply with the said order.
3. The Petitioner submits that the learned Family Court erroneously assessed the income of the Petitioner to be Rs. 17,991/- per month and without considering that he is earning merely Rs. 6,000/- per month.
4. *Per Contra*, the Respondent No. 1 has submitted that she has no source of income and is not gainfully employed. The Petitioner has no other responsibility but of the Respondents herein.
5. In the present case, the Petitioner has not disputed the



relationship between the parties.

6. The learned Family Court, while observing that no proof of income has been provided by the Petitioner, who is admittedly the owner of a barber shop, assessed the income of the Petitioner on the basis of Minimum Wages applicable.

7. It is relevant to note that the learned Family Court has aptly taken into consideration the social status of the parties and the needs of the Respondents and that the Portioner has no other dependants apart from the respondents herein, and rightly directed Rs. 3,000/- per month to be paid to each of the respondents as interim maintenance.

8. A father cannot shirk his sacrosanct duty to financially support his wife and minor child. The Hon'ble Apex Court, in the case of **Anju Garg and Anr. v. Deepak Kumar Garg : 2022 SCC Online SC 1314**, observed as under:

*“10... The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. **The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute....***

x-x-x

*13. Though it was sought to be submitted by the learned counsel for the respondent, and by the respondent himself that he has no source of income as his party business has now been closed, the Court is neither impressed by nor is ready to accept such submissions. **The respondent being an able-bodied, he is obliged to earn by legitimate means and maintain his wife and the minor child...***

(emphasis supplied)

9. Thus, it is incumbent on the petitioner, who is an able-bodied man to financially support the Respondents. In such



circumstances, an award of ₹6,000/- per month to the wife and the minor child, cannot be said to be on a higher side.

10. It is not disputed that the impugned order is only an order of interim maintenance. It is well settled that at the stage of interim maintenance, the Court is not expected to conduct a detailed inquiry into the rival claims of income or expenditure. The object of such allowance is to ensure that the dependent spouse is able to sustain herself with dignity (**Ref: *Rajnesh v. Neha*, (2021) 2 SCC 324**). The order of interim maintenance is always subject to variation based on evidence subsequently led by the parties, and hence, does not cause any irreparable prejudice to the petitioner.

11. In the present case as well, the learned Family Court would pass a final order in regard to the maintenance after considering the evidence on record. Hence, the contention that the Respondents are gainfully employed and not staying with the petitioner, would be tested after the parties have led their evidence.

12. 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.

13. In view of the above, this Court finds no reason to interfere with the impugned order and the petition is dismissed in the aforesaid terms. The pending application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 2, 2025

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