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

+ CRL.M.C. 682/2019, CRL.M.A. 2777/2019, CRL.M.A. 22201/2023
GEET GARGPetitioner

Through: Mr. Vinod Khera, Advocate.

versus

RENU GARGRespondent

Through: Ms. Ginni, Advocate.

+ CRL.REV.P. 638/2019, CRL.M.A. 11483/2019

SMT. RENU GARGPetitioner

Through: Ms. Ginni, Advocate.

versus

SH. GEET GARG & ORS.Respondents

Through: Mr. Vinod Khera, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.04.2025

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1. The present petitions under Section 482 of Code of Criminal Procedure, 1973¹ are directed against order dated 17th July, 2018, whereby the Trial Court, on an application filed by Renu Garg under Section 12 of Protection of Women from Domestic Violence Act, 2005,² directed her husband, Geet Garg to pay an interim maintenance of ₹12,000/- per month

¹ "Cr.P.C."

² "DV Act"



to Renu Garg.

2. Renu Garg challenged the aforesaid impugned order by preferring a revision petition before the Additional Sessions Judge (Central) Delhi, which was dismissed by order dated 11th September, 2018, affirming the order dated 17th July, 2018.

3. Geet Garg also challenged the impugned order by filing an appeal before the District and Sessions Judge, Tis Hazari Courts, which too was dismissed by order dated 23rd August, 2018.

4. Aggrieved by the aforementioned orders, both parties have now filed the present petition under section 482 CrPC. While Renu Garg seeks enhancement of the maintenance amount by challenging the impugned order dated 17th July, 2018 as well as the revisional court's order dated 11th September, 2018, Geet Garg seeking reduction of the maintenance amount and assails both the impugned order as well as the appellate court's order dated 23rd August, 2018.

5. The Court has heard the counsel for the parties. At the outset, it must be emphasized that the impugned order dated 17th July, 2018, awarding interim maintenance is, by its very nature, provisional and subject to modification upon final adjudication, once the parties have led evidence. The proceedings before the Trial Court are nearing conclusion and the matter is at the stage of the complainant's evidence.

6. At the interim stage, the Trial Court necessarily relied upon disclosures made by the parties through their affidavits and supporting documents, to assess their financial capacities. In assessing Geet Garg's income, the Trial Court took into account his annual turnover of ₹6,33,600/-, and the value of his business assets, which amounted to ₹8,96,745/-.



Although Geet Garg deposited before the Trial Court that his monthly income was a modest ₹5,000/-, this assertion stood contradicted by his own affidavit, wherein he disclosed a net income of ₹59,569/-. Observing this discrepancy and conscious of the tendency of parties to understate their earnings in maintenance proceedings, the Trial Court rightly concluded that Geet Garg had attempted to conceal his actual income. Applying a reasoned and informed estimation, the Court assessed his income to be “*at least ₹70,000/- per month*”. This determination is consistent with the decisions of the Supreme Court, which recognises that parties often fail to disclose accurate details or suppress vital information regarding their income. In such instances, the courts are justified in making reasonable estimates to assess the amount to be awarded.³

7. The Trial Court further observed that Geet Garg was paying ₹11,000/- per month towards salaries of his employees and ₹26,000/- as monthly loan instalments. Relying on the judgment in *Annurita Vohra v. Sandeep Vohra*,⁴ the Trial Court applied the principle of equitable distribution of financial resources within the family, allocating one portion for the husband and one share for the other family members. In light of these parameters, the interim maintenance of ₹12,000/- per month is fair and reasonable, and commensurate with Geet Garg’s financial capacity and obligations.

8. This Court finds no infirmity in the Trial Court’s approach or reasoning. There are no grounds to interfere with the impugned order, nor with the subsequent orders of the appellate and revisional courts. The decisions of the revisional and appellate courts, which upheld the Trial

³ Bharat Hegde v. Saroj Hegde, 2007 SCC OnLine Del 622, Rajnesh v. Neha and Another, (2021) 2 SCC 324.



Court's order, also disclose no jurisdictional error or perversity warranting interference under Section 482 CrPC.

9. It is, however, relevant to note that subsequent to the above proceedings, Geet Garg filed an application under Section 25 of the DV Act seeking modification of the interim order dated 17th July, 2018. By order dated 5th July, 2024, the Trial Court revoked this impugned order. This revocation is presently under challenge in a separate appeal filed by Renu Garg. Nevertheless, until 5th July, 2024 (the date of revocation) the interim maintenance order remained in force and enforceable. Accordingly, Renu Garg retains the right to pursue appropriate remedies for recovery of arrears accrued during the period the order remained operative.

10. As already emphasised, the award of interim maintenance is a temporary relief, intended to ensure subsistence and basic financial security pending final adjudication. It does not preclude either party from seeking modification or variation of the amount based on the evidence led during trial.

11. In view of the foregoing, the present petitions are disposed of along with pending applications.

SANJEEV NARULA, J

APRIL 2, 2025

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⁴ 2004 SCC OnLine Del 192.