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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 90/2025, CM APPL. 12664/2025 and CM APPL. 12665/2025

GURPREET KAUR BHASINAppellant
Through: Dr. R.S. Sasan, Adv.

versus

VISHWAS PATHAKRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER
08.12.2025

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1. At the outset, it is noted that despite receipt of notice to the Respondent, he has failed to enter appearance.
2. The Appellant, who is the Respondent's wife, has filed a petition seeking a decree of divorce against the Respondent, the proceedings of which are presently pending adjudication before the Family Court [hereinafter referred to as 'FC'].
4. During the pendency of the Petition, an application under Order 24 of the Hindu Marriage Act, 1955 [hereinafter referred to as 'HMA'], was filed by the Appellant seeking grant of maintenance *pendente lite*. In paragraph nos.6 to 8 of the said application, the Appellant has made certain assertions, which are as follows:-

"6. That the respondent and his brother Vikas Pathak have jointly established a business by the name and style of The Devam Lawn & Banquet And Resturant at Lucknow and invested the proceeds of the business closed at Delhi, thus the respondent is well established and earns Rs 2 to 3 Lacs pm minimum and have every facility of life to enjoy a luxurious life and is an member of joint family



property movable and immovable mentioned in the accompany petition. The respondent has no liability other than the petitioner. The father of the respondent expired in January 2021 and the mother of the respondent is looking after in the shared house with two elder sons and another son Vishal Pathak a leading criminal lawyer at Lucknow. The sister of the respondent is married, well established and living separately with her husband at Noida, UP. Therefore the petitioner is entitled to have the same status that of the respondent which she has been deprived off.

7. The family of the respondent has a high status in the society at Malihabad Lucknow UP having 6 Mango Farms, Vegetable Farm, having big Farms land and landed property and commercial plots in Lucknow The vegetable farm supplies vegetable to whole sale market and to chain of hotels, restaurants and Banquet Halls. The family have fleet of Vehicles for different jobs as well as Six vehicles for family conveyance.

8. That the family of the respondent as one of the wealthy family of the area having fleet of luxurious cars make Ford Figo, Two Carolla Toyota cars, Ford Eco Sport, Audi and Ford Fiesta beside motor cycles and scooters besides number of commercial vehicles to carry out their business transaction/ operations. The respondent had succeeded the estate of his father who has expired in January 2021.”

5. The Respondent has furnished merely vague and evasive replies to the averments set out in the aforesaid paragraphs. By way of the Impugned Order dated 09.09.2024 [hereinafter referred to as ‘IO’], the FC, while disposing of the application for maintenance filed by the Appellant, awarded her a sum of Rs. 8,500/- per month.

6. However, a perusal of the IO reveals that the FC has failed to take notice to the effect that the material averments made in the application were not specifically denied by the Respondent. Instead, the Court proceeded to assess the income of the Respondent solely on the basis of credit entries reflected in his bank statement, which, in the considered view of this Court, may not constitute an adequate or reliable foundation for determining his actual income.

7. Keeping in view the averments made in the application, the IO cannot be sustained and is accordingly set aside. Further, the FC is



directed to reconsider the application afresh and to pass a reasoned order after affording the Respondent an opportunity to file a specific affidavit disclosing his income, assets and liabilities. The aforesaid exercise shall be completed within a period of next two months. The Appellant, through his counsel, is directed to appear before the learned Family Court on 15.01.2026.

8. In view of the above directions and observations, the present Appeal, along with all pending applications, is disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 08, 2025/sp/hr