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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 107/2025 & CRL.M.A. 7369/2025**
VIKRAM LALPetitioner

Through: Mr. Arsh Bhalla, Mr. Kunal Shahi
and Mr. Prashwar Azad, Advocates.

versus

POOJARespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
07.03.2025

1. The present revision petition assails order dated 18th November, 2024 passed by the Family Court, West, Tis Hazari Court in Maintenance Case No. 375/2024 awarding interim maintenance to the Respondent. The impugned order reads as follows:

“V/N filed on behalf of respondent.

Respondent has filed an application Dis 379BNSS against the petitioner. Copy supplied.

Adjournment sought by respondent to file W/S and his income affidavit. On last date of hearing i.e. 28.10.2024, petitioner pressed for some ad-interim maintenance but adjournment was sought by the respondent to file W/S today, but instead of filing the same, he has come with the above application U/s 379 BNSS, hence, the court deems appropriate to fix some ad-interim maintenance for minor son of the parties, who is in the custody of petitioner Pooja.

Petitioner no. 1 Pooja is stated to be unemployed. On court query, respondent submits that he is pursuing LLB and presently he is also unemployed but gets stipend of merely Rs.50001- to Rs.70001- per month. He volunteers to pay Rs. 2500/-per month for his son which to the mind of this court is very low for a three years old child, whose mother is also



stated to be unemployed. Counsel for petitioner has drawn attention of the court on the order dated 14.09.2023 of Hon'ble High Court, whereby the FIR no. 412/2018, PS Neb Sarai, registered against the respondent and his family at the behest of respondent's first wife was quashed under the settlement in which, they (respondent & his family) paid Rs.33 lacs to her. He submits that the payment of such a huge amount shows the status of the respondent & his family.

At this stage, without prejudice to the rights & contentions of both the parties, respondent is directed to pay Rs.5000/- per month towards the ad-interim maintenance of his son (petitioner no. 2) from November-2024 onwards till disposal of interim maintenance application of the petitioners to be deposited in the bank account of petitioner no. 1 by 7th day of each English Calender month. The maintenance for the month of November-2024 be paid within a week.

Respondent is also directed to pay litigation expenses of Rs. 11,000/- to the petitioners within two weeks.

W/S and income affidavit in terms of "Rajnish Vs. Neha", be filed by the respondent within two weeks with supply of advance copy to the opposite party.

Put up for rejoinder, if any, admission/denial of documents, framing of issues and arguments on the petitioner's interim maintenance application, on 14.01.2025."

2. At the outset, counsel for the Petitioner clarifies that the present challenge is not directed at the quantum of maintenance fixed by the Trial Court. The grievance raised is limited to the fact that the Respondent does not have a bank account, and the Petitioner had specifically requested the Trial Court to direct the Respondent to open a joint bank account with the Petitioner to facilitate the transfer of maintenance. However, this aspect has not been considered in the impugned order.

3. In this regard, it is noted that the Petitioner filed an application seeking modification of the said order, which was decided by the Trial Court on 13th December, 2024. The relevant portion of the order reads as follows:

"1. By way of application in hand, respondent is seeking to modify order dated 18.11.2024 whereby ad interim maintenance of Rs.5,000/- per month for the minor son of the parties from November 2024 onwards was fixed.



2. Modification is sought on the ground that one of his argument made on 18.11.2024 was not considered by the court. He proposed opening a joint bank account in his name with the petitioner no.1, where he will deposit the maintenance amount ordered by the court. Petitioner no. 1 would be the primary holder of the said account and he (applicant) would be secondary holder, allowing him to access details of the amount spent by the petitioner no.1 on the maintenance of the child.

3. Counsel for applicant submits that applicant is ready to pay/deposit the maintenance amount fixed by the court but in the joint account to be opened in the name of both the parents.

4. The court do not deem it appropriate to issue any direction for opening the joint account of the parties, for depositing the small Maintenance amount of Rs. 5,000/- for the child as the same would lead to unnecessary scrutiny of the mother's daily expenses for the child, which would be invasive and open the Pandora box to indulge in fishery inquiry by the applicant in her day-to-day expenses. In the course of daily life, various expenses are undertaken on different counts like food, clothing, toys etc, for the child, which are not even accounted for. The court cannot allow the parties to peep into the daily life of each other inviting further trouble for them. Given this, no ground for modification of order dated 18.11.2024 is made out. Accordingly, the application in hand is hereby dismissed.

5. Ld. Counsel for applicant has submitted that he has also filed an application U/s 379 BNSS against the petitioner no.1 on which she has not been directed to file reply. Needless to say the application U/s 379 BNSS (340 Cr.PC) are generally decided after the trial. However, if the court would feel that this application needs to be adjudicated at any stage earlier to final disposal, necessary directions would be passed in this regard at appropriate stage.

Put up for date fixed i.e. 14.01.2025."

[Emphasis added]

4. The Trial Court's decision rejecting the Petitioner's request for directing the Respondent to open a joint bank account for receiving the maintenance amount is well-founded. Requiring the Respondent to account for every expenditure on the child would be both intrusive and impractical. Maintenance is intended to ensure the child's financial security and well-



being, not to impose unwarranted oversight or scrutiny on the custodial parent regarding routine expenses.

5. The obligation to pay maintenance is a legal duty arising from the Petitioner's parental responsibility and cannot be made conditional upon requirements that undermine the autonomy of the custodial parent. The Respondent, as the caregiver, must have the discretion to allocate the maintenance amount in a manner that best serves the child's interests. Courts must ensure that maintenance does not become a tool for exerting control or harassment under the guise of financial accountability.

6. In light of the foregoing, this Court finds no infirmity in the impugned orders. Accordingly, the present petition is devoid of merit and is dismissed, along with any pending applications.

SANJEEV NARULA, J

MARCH 7, 2025

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