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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 422/2023 & CRL.M.A. 13693/2024**

ANKITA JAKHARPetitioner
Through: Mr. Naman Gupta, Ms.
Mansi Goyal and Ms.
Nisha Thakur, Advocates
along with petitioner in
person.

versus

NIKHIL RANARespondent
Through: Mr. Amitabh Tiwari,
Advocate (through VC).
Respondent in person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
08.09.2025

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1. By the present petition, the petitioner challenges the order dated 07.05.2022 (hereafter '**the impugned order**'), passed by the learned Judge, Family Court, Dwarka Courts, New Delhi in MT No. 695/2019 whereby the petitioner was awarded a sum of ₹7,500/- per month as interim maintenance in a petition preferred by the petitioner under Section 125 of the Code of Criminal Procedure, 1973.

2. The learned Family Court noted that as per the income and expenditure affidavit of the respondent, the respondent was earning a sum of ₹22,500/- per month from the Gas Agency allotted to the respondent's father. It was noted that the



respondent was spending a sum of ₹10,000-12,000/- per month on travelling. It was noted that the respondent claimed to be studying at the time when the impugned order was passed. Consequently, taking the salary of the respondent as ₹22,500/-, the learned Family Court awarded a sum of ₹7,500/- per month as interim maintenance to the petitioner.

3. The learned counsel for the petitioner submits that only a meagre amount has been awarded to the petitioner as interim maintenance despite the fact that the respondent has been earning a huge amount of money. He submits that the learned Family Court incorrectly assessed the monthly income of the respondent at ₹22,500/- per month. He submits that as per the admitted case of the respondent himself, he had earned a sum of ₹4.50 lakhs during the financial year 2019-2020. He consequently submits that there was no justifiable basis for awarding a sum of ₹7,500/- per month as interim maintenance to the petitioner.

4. The learned counsel for the respondent submits that the impugned order is well reasoned and warrants no interference by this Court. He submits that the respondent was initially working with his father in his gas agency, however, at this stage the respondent is practising as an advocate before the Courts at Gurugram. He submits that the respondent is no longer earning any amount.

5. Undisputedly, the present order only relates to the grant of interim maintenance. The contentions raised by the parties would be the subject matter of the trial, and would be decided after the parties have led their evidence.

6. However, insofar as the grant of interim maintenance is



concerned, it is settled law that the maintenance awarded should be commensurate to the income of the parties.

7. It is common knowledge and has been observed by this Court in many cases that it is a normal tendency of the parties, especially in matrimonial disputes to not disclose their true incomes. The Courts in such circumstances are permitted to make some guess work and arrive at a figure that a party may reasonably be earning. [Ref: ***Bharat Hegde v. Saroj Hegde* : 2007 SCC OnLine Del 622**] Thus, the possibility of the respondent undermining his income to avoid paying maintenance of an appropriate amount to the petitioner cannot be ruled out at this stage.

8. The Hon'ble Apex Court in the 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....”

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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. A *prima facie* guess work, at this stage, can be made on the basis of the material placed on record and some amount of common knowledge.



10. In the present case, the respondent claims that he is currently practising as an advocate before the Courts at Gurugram and is no longer earning any amount. A perusal of the affidavit of assets filed by the respondent before the learned Family Court indicates that he has been staying with his parents and does not have to spend on lodging. The respondent has stated that his father is 100% disabled and has been allotted a gas station which, as claimed by the respondent, is being run by his father. The said contention *prima facie* does not seem to be correct. On one hand, the respondent has himself claimed that his father is 100% disabled and being an ex-serviceman, his father was allotted a gas agency and on the other hand, the respondent is claiming that the said gas agency is being run by his father. The said contention, however, can be tested after the evidence is led.

11. The respondent has also placed on record his income tax return for the financial year 2019-20 wherein his gross income was shown as ₹4,58,120/-. Considering the totality of circumstances, the award of interim maintenance of ₹7,500/- per month, in the opinion of this Court, is not reasonable. The petitioner/wife is entitled not only to a mere survival but is also entitled to lead a similar life as she would have led in the house of her husband.

12. The record however indicates that the petitioner had also filed another case under the Protection of Women from Domestic Violence Act, 2005, wherein she had claimed that she required a sum of ₹15,000/- per month for her maintenance.

13. In such circumstances, this Court considers it apposite to



enhance the interim maintenance at ₹15,000/- per month from the date of filing of the petition. The impugned order is modified to that extent.

14. It is not disputed that the impugned order is only an order of interim maintenance. The defences raised by the parties, along with the allegations and counter allegations, would be the subject matter of trial, and would have to be decided after the parties have led their evidence.

15. The learned Family Court is directed to pass the final order uninfluenced by the observations made in this order.

16. The respondent is directed to pay the arrears within a period of four months.

17. The petition stands disposed of with the aforesaid observations. Pending application also stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 8, 2025

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