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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 13.05.2025*+ **CRL.REV.P. 372/2024**

SH. VINEET GUPTA

.....Petitioner

Through: Mr. Rahul Dhamija, Advocate

versus

SMT. BHAWNA GUPTA

....Respondent

Through: Mr. R.S. Chaggar and Mr.
Sajan Arora, Advocates**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of this revision petition, the petitioner-husband seeks to challenge the order dated 25.11.2023 [hereafter '*impugned order*'], passed by the learned Additional Sessions Judge-02, North District, Rohini Court, Delhi [hereafter '*Appellate Court*'], in Criminal Appeal No. 206/2023. The learned Appellate Court, *vide* the impugned order, was pleased to dismiss the aforesaid appeal and uphold the order dated 17.08.2023 passed by the learned Metropolitan Magistrate, Mahila Court-01, North District, Rohini Court, Delhi [hereafter '*Magistrate*'], in Ct. Cases 660/2022.

2. The facts, necessary for the disposal of this petition, are that



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the marriage between the petitioner and the respondent no. 1 was solemnized on 04.07.2014, according to Hindu rites and ceremonies. Out of the said wedlock, two children, a son and a daughter, were born on 10.09.2015 and 11.11.2019 respectively, who are studying in 'X' School, Rohini, Delhi. At present, the children are in the custody of their mother i.e. respondent no. 1. As set out in the present petition, the petitioner and respondent no. 1 had separated in June, 2021 and have been living separately since then. In April, 2022, the respondent no. 1 had filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereafter '*PWDV Act*'] against the petitioner and his family members, along with an application under Section 23 of PWDV Act seeking interim maintenance.

3. The learned Magistrate, *vide* order dated 17.08.2023, had refused to grant any interim maintenance in favour of the respondent no. 1 (wife), but had awarded interim maintenance @ Rs.50,000/- per month in favour of both the children (i.e. respondent no. 2 and 3).

4. The petitioner had assailed the said order by way of an appeal under Section 29 of the PWDV Act; however, the learned Appellate Court found no merit in the same and it came to be dismissed by virtue of the impugned order dated 25.11.2023. The relevant observations of the learned Appellate Court in the impugned order are set out below:

“6. Vide the impugned order dated 17.08.2023 passed by Ld. Trial Court, considering the income affidavits of both



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the parties, Ld. Trial Court has observed that the complainant has claimed that she is earning Rs. 87,500/- p.m. However, counsel for appellant argued that complainant is receiving huge amount in her bank account as profits from mutual funds. Perusal of the SBI bank statement of complainant/respondent herein reveals that she received an amount of Rs. 88,303/- as salary for month of November 2022. Admittedly, both the parties got separated in June 2021. Bank account statement of Canara Bank reflects huge credit entries as income from mutual funds. She received Rs. 75,000/- in October 6 2021, around Rs/ 42,000/-in November 2021, Rs. 35941/- in December 2021, Rs. ' 59721/- in January 2022, Rs. 5850/- in February 2022. The clarifications to this point has been given by counsel for complainant/respondent by saying that appellant No. 1 was working as Insurance Agent and he got opened two accounts in name of complainant fraudulently. One saving bank account in Canara Bank and other demat account with Centellion Capital Pvt. Ltd. at NSP. It is further argued that complainant got to know about those accounts in December 2021 and therefore, she sent a letter dated 04.04.2022 to Centellion Capital Pvt, Ltd. to close the account. The alleged accounts one saving account and the other demat account with Centellion Capital Pvt. Ltd. was opened by the father of the appellant and operated by him exclusively. The said fact can be evident with the fact that the father of the appellant furnished his own mobile number and e-mail ID to the concerned authority i.e, Centellion Capital Pvt. Ltd, It was submitted that the said fact is also corroborated from the account statement of the respondent of Canara Bank, wherein it is shown that on 26.10.2021, an account of Rs. 1,62,000/- has been transferred in the account of mother of the appellant. It is pertinent to mention herein that the separation date of the parties is 16.06.2021. It is further submitted that since inception both the accounts were operated by the appellant as well as his father.

In this regard an application for closing the account allegedly fraudulently opened has also been submitted by the respondent herein on 04.04.2022 copy of which has been filed as annexure A alongwith the reply to the present appeal. There is also an email which had been sent on behalf of Centellion Capital on 04.04.2022 at 05:45 pm duly acknowledging that the account for further trading has been suspended and certain formalities were required of submitting a physical closing form. The date of separation admittedly is June 2021 and it is



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highly improbable that the respondent would transfer amount in the 'account mother in law after separation.

Further, the Ld. Trial Court after considering the salary of the respondent has rightly declined maintenance to the respondent.

Coming to the maintenance of the children, both the children are in care and custody of complainant/respondent since June 2021, The elder child is 07 years old and younger child is around 03 years old. Both the children are studying in The elder child has been studying in the school from the time when both parties were living together in the matrimonial house. Thus, the parties must have got their elder child admitted into a school which was suitable to their financial capacity.

Appellant has claimed that he is earning Rs. 17000/- by working as mutual fund agent. He has further claimed that he is not receiving any income from his grocery mart. It is to be noted that in his income affidavit, he has stated his expenditure of around Rs. 72000/- per month. Thus, it is improbable that he is regularly spending an amount of Rs. 72000/- per month despite meagre earnings of Rs. 17000/- per month. Furthermore, he has not filed any GST registration qua his grocery mart. He has not filed even current bank account of the grocery mart. Only bald averment has been made that he is spending Rs. 5000/- for travel expense for his grocery mart and paying Rs. 14000/- towards the salary of employees working in grocery mart. However, he has not filed a single document such as ledger, running account etc. of the impugned mart. He has further claimed that he is paying Rs. 20000/- per month as rent for the grocery mart but complainant has filed one electricity bill which shows that the electricity bill is in the name of respondent No. 1. liven otherwise, he has not filed any proof that he is paying Rs. 20000/- per month as rent for grocery mart. He has again claimed that he has taken loan of Rs.1,36,000/- from his brother but his bank account statement does not reflect any such loan. Even in column H of his income affidavit, he has stated his loans and liabilities as Nil. He has further stated that he has no property in his name but complainant/respondent has filed sale deed documents related to sale and purchase as per which he and his parents had purchased one property in Noida in year 2019.



He has further claimed that he has been disowned by his parents. However, after being disowned, he allegedly sold his 50% share to his mother and sold his car to his mother and received an amount of Rs, 10,55,000/- but this amount of Rs. 10,55,000/- does not find any mention in his bank account statement.

Thus, it appears that the appellant has concealed material facts from the court. It is highly improbable that had he been disowned by his parents, his parents would have assisted him financially by purchasing 50% of his share. The Ld. Trial Court has rightly observed that since the complainant/respondent herein as such is bearing various miscellaneous expenses including their emotional and psychological needs in upbringing both the children and putting all the efforts single handedly she cannot be burdened to share 50% of the total liability towards the maintenance as was argued by the Ld. Counsel for the appellant.

7. From the totality of facts and circumstance of the case and considering the aforesaid discussion, there appears to be no illegality in the impugned order passed by Ld. Magistrate, Mahila Court dated 17.08.2023 and the same is upheld, accordingly. The appeal being devoid of any merits is dismissed.”

5. Aggrieved by the orders of the learned Magistrate and the learned Appellate Court, the petitioner has preferred the present petition.

6. The learned counsel appearing for the petitioner contends that both the learned Magistrate and the learned Appellate Court have erred in law and on facts while passing the impugned orders, which are unsustainable and liable to be set aside. It is argued that respondent no. 1 is a gainfully employed government servant, who works as a stenographer, and is drawing a handsome monthly salary. It is urged that both the courts below have gravely erred in relying



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merely on the oral submissions of respondent no. 1 regarding her income and financial condition, without appreciating the salary slips and other documentary evidence placed on record by the petitioner, which clearly indicate that the respondent is in a better financial position. The learned counsel for the petitioner also draws attention to the fact that there are significant monetary transactions in the bank accounts of respondent no. 1, which points to her active involvement in share market investments and trading. However, no explanation has been offered by respondent no. 1 in this regard. It is also contended that the courts below ought to have considered the deduction of EMIs and other unavoidable expenses borne by the petitioner while determining his net income. It is also argued in this regard that the petitioner is operating a small grocery shop, which has been running in financial losses, and in view of the same, he has even surrendered his GST certificate. The learned counsel submits that the petitioner is earning a meagre income, barely sufficient to sustain himself, and cannot be burdened with a disproportionately high maintenance amount, as fixed by the learned Magistrate. The learned counsel also contends that both the petitioner and respondent no. 1 are equally liable to contribute towards the upbringing and education of the minor children, and that the impugned orders have unreasonably burdened the petitioner alone, without any legal or factual justification. Therefore, it is prayed that the impugned orders be set aside.

7. *Per contra*, the learned counsel appearing for the respondents



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submits that the impugned order suffers from no legal or factual infirmity and the same has been rightly passed after due appreciation of material on record. It is contended that both the learned Magistrate and the Appellate Court have carefully considered the contentions of the petitioner and have rightly granted interim maintenance for the minor children, keeping in view their best interest. It is submitted that the petitioner has deliberately concealed his actual income and sources of earnings. As per the income affidavit filed by respondent no. 1, the petitioner earns substantial income – both as a financial consultant and from his grocery business – besides owning multiple immovable properties and a vehicle. The respondent, on the other hand, is a salaried government employee, drawing a fixed income and incurring significant monthly expenses including EMIs. It is also contended that all the contentions of the petitioner have been rightly dealt with by the learned Appellate Court in the impugned. Thus, it is prayed on behalf of the respondents that the present petition be dismissed.

8. This Court has **heard** arguments addressed on behalf of both the parties and has perused the record.

9. The primary contentions raised by the petitioner in the present case are threefold. *First*, it is submitted that respondent no. 1 is gainfully employed and earning a handsome salary as a government employee, and this fact has not been adequately considered by the courts below. *Second*, the petitioner claims that his own income is



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meagre, and that the learned courts have failed to properly account for his financial liabilities, including EMIs, loans, and other regular expenses. *Third*, it is contended that the responsibility of maintaining both minor children should not be placed entirely on the petitioner-father, especially when the respondent no. 1 (mother) is also earning a regular income.

10. As far as the first contention regarding the income of respondent no. 1/wife is concerned, it is apposite to note that the respondent no. 1/wife has herself consistently admitted throughout the proceedings before the courts below that she is employed as a stenographer and draws a monthly salary. The petitioner's grievance is primarily that the learned Magistrate has under-assessed her income at about Rs. 73,000/- per month, whereas he alleges that she earned significantly more at the relevant time as there were huge credit entries in her accounts due to profits from mutual funds/sale of shares, etc. However, this Court is of the opinion that the learned Appellate Court has duly considered this aspect and recorded that while there were certain high-value credit entries in a Canara Bank account and a Demat account with Centellion Capital Pvt. Ltd., these accounts were alleged to have been fraudulently opened in the name of respondent no. 1 by the petitioner and his father. The Appellate Court noted that the registered mobile number and email ID linked to these accounts belonged to the petitioner's father, and significant amounts, including Rs. 1,62,000/-, were transferred from the said account to the petitioner's mother after the parties had already



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separated. The Appellate Court further noted that respondent no. 1 had taken steps to close the said Demat account in April 2022, and that these accounts were allegedly operated exclusively by the petitioner or his father. It was thus found that the income reflected in those accounts could not be attributed to respondent no. 1 but to the petitioner and his family.

11. Be that as it may, since respondent no. 1/wife has not been granted any interim maintenance in her favour by either the learned Magistrate or the learned Appellate Court, and she has not even challenged these orders for seeking any maintenance for herself, a detailed examination of her income at this stage would serve no useful purpose.

12. Now, the two issues which remain for this Court's consideration are: (i) whether there is any illegality or material irregularity in the assessment of the petitioner's income by the courts below, and (ii) whether the award of interim maintenance of Rs. 50,000/- per month, payable by the petitioner towards the maintenance of both minor children, is fair, reasonable and just in the facts and circumstances of the case, when the respondent no. 1/wife is also earning well.

13. As far as the assessment of petitioner's income is concerned, it is to be noted that both the courts below have drawn an adverse inference against the petitioner for concealing his true financial status. While the petitioner has claimed that he earns a meagre



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income of Rs. 17,000/- per month as a mutual fund agent and receives no income from the grocery mart allegedly being run by him, such a claim was held to be wholly unsubstantiated and belied by the material on record as well as the petitioner's own admissions. The learned Magistrate, after considering all the facts and circumstances, had estimated his income at around Rs. 1,75,000/- per month. This estimation, based on some guesswork, was affirmed by the learned Appellate Court.

14. In this Court's opinion, a perusal of the impugned orders and the material placed on record does reveal some discrepancies in the claims of the petitioner, lack of supporting proof, and an indication of possible concealment of true income by the petitioner. These aspects are highlighted as under:

- The petitioner claims to earn an income of only Rs. 17,000/- per month, yet admits to a monthly expenditure of approximately Rs. 72,000/-, which is implausible without additional undisclosed income.
- The petitioner asserts that he earns nothing from his grocery store, but he failed to produce any relevant documents such as GST registration, bank account statements, ledgers, or account books pertaining to the said business.
- The petitioner alleges paying Rs. 20,000/- per month as rent for the grocery store, but no rent receipts or rent agreement was filed. In fact, respondent no. 1 had filed one electricity bill for



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the said premises before the learned Magistrate, which had been issued in the name of petitioner only, suggestive of the fact that the premises was not a rented one.

- Despite claiming to pay Rs. 5,000/- as travel expenses and Rs. 14,000/- as salaries to employees of the mart, no supporting bills, payment slips, or records were placed on record by the petitioner.
- The petitioner claims having taken a loan of Rs. 1,36,000/- from his brother, yet such a loan transaction did not appear in his bank account statement, nor the same was disclosed under the 'loans and liabilities' column of his income affidavit, wherein he had mentioned 'Nil'.
- The petitioner asserts that he owns no property, but the respondent no. 1 had placed on record, the sale deed and other documents indicating that the petitioner and his parents had jointly purchased a property in Noida in 2019.
- On one hand, the petitioner claimed that he had been disowned by his parents, whereas on the other, after being disowned, he had allegedly sold his 50% share in the property as well as his car to his mother and received an amount of Rs. 10,55,000/- in return. However, no such amount was reflected in his bank statements.
- Both the minor children are studying in 'X' School, Rohini, and the elder child has been studying in the said school from the time when both parties were living together in the matrimonial



house. Thus, the parties must have got their elder child admitted into a school which was suitable to their financial capacity.

15. The learned Magistrate, after taking into consideration the above aspects, and the fact that the petitioner is co-owner of one property at Noida and is also running one grocery store in Sector 16, Rohini, assessed his monthly income at about Rs. 1,75,000/- per month, and the same upheld by the learned Appellate Court.

16. At this juncture, it shall be appropriate to take note of certain observations of the Hon'ble Supreme Court in case of **Rajnesh v. Neha**: (2021) 2 SCC 324, which are extracted hereunder:

“II. Payment of Interim Maintenance

63. At present, the issue of interim maintenance is decided on the basis of pleadings, where some amount of guess-work or rough estimation takes place, so as to make a prima facie assessment of the amount to be awarded. It is often seen that both parties submit scanty material, do not disclose the correct details, and suppress vital information, which makes it difficult for the Family Courts to make an objective assessment for grant of interim maintenance. While there is a tendency on the part of the wife to exaggerate her needs, there is a corresponding tendency by the husband to conceal his actual income.....

III. Criteria for determining quantum of maintenance

77. The objective of granting interim/permanent alimony is to ensure that the dependant spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

78. The factors which would weigh with the Court inter alia are the status of the parties; reasonable needs of the wife and dependant children; whether the Applicant is educated and professionally qualified; whether the Applicant has any independent source of income; whether the income is sufficient



to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the Applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife.

90.4. ...The onus is on the husband to establish with necessary material that there are sufficient grounds to show that he is unable to maintain the family, and discharge his legal obligations for reasons beyond his control. If the husband does not disclose the exact amount of his income, an adverse inference may be drawn by the Court.”

17. Thus, the Hon’ble Supreme Court has taken note of the practical difficulties faced by courts while deciding applications for interim maintenance due to the frequent non-disclosure or suppression of true financial details by parties. It was observed that such proceedings often involve a degree of estimation or guesswork, especially when scanty or unreliable material is placed on record. The Hon’ble Supreme Court further held that there exists a clear tendency on the part of husbands to conceal their actual income, and in such cases, an adverse inference can be drawn.

18. It is apparent from the records of the case that, *prima facie*, the petitioner-husband in this case had attempted to conceal his true income, by not placing on record the material documents (such as those pertaining to his grocery store), making vague assertions without proof, and attempting to project an unrealistically low income to avoid his legal obligations. Therefore, in view of the



foregoing observations, this Court finds no reason to interfere with the observations of the learned Magistrate and learned Appellate Court insofar as they relate to the assessment of petitioner's monthly income.

19. The third contention raised by the petitioner pertains to the direction to pay a sum of Rs. 50,000/- per month towards the maintenance of the two minor children. It is the case of the petitioner that this amount is excessive and that the respondent, being employed herself, should be held equally liable to contribute 50% towards the expenses incurred on the upbringing of the children.

20. At this stage, it is pertinent to refer to the observations made by the Hon'ble Supreme Court in *Rajnesh v. Neha* (*supra*), wherein the Hon'ble Supreme Court has held as under:

“83. Section 20(2) of the D.V. Act provides that the monetary relief granted to the aggrieved woman and/or the children must be adequate, fair, reasonable, and consistent with the standard of living to which the aggrieved woman was accustomed to in her matrimonial home...”

(d) Maintenance of minor children

91. The living expenses of the child would include expenses for food, clothing, residence, medical expenses, education of children. Extra coaching classes or any other vocational training courses to complement the basic education must be factored in, while awarding child support. Albeit, it should be a reasonable amount to be awarded for extra-curricular/coaching classes, and not an overly extravagant amount which may be claimed.

92. Education expenses of the children must be normally borne by the father. If the wife is working and earning sufficiently, the expenses may be shared proportionately between the



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parties.”

21. Thus, the Hon’ble Supreme Court has held that monetary relief under Section 20(2) of PWDV Act, granted in favour of the aggrieved woman or the children, must be adequate, fair and reasonable. It was also held that the living expenses of a child must include not just food, clothing, residence, medical and educational costs, but also reasonable expenses for extra-curricular or coaching classes; and that ordinarily, the father should bear the educational expenses of the children, unless the mother is earning sufficiently, in which case the costs may be shared proportionately.

22. In this regard, it must be noted that respondent no. 1, has been single-handedly taking care of the daily needs, education, emotional development, and overall well-being of the two minor children, aged about 9 years and 6 years as on date. Despite being employed as a stenographer, she has shouldered the dual responsibility of fulfilling her professional obligations and simultaneously ensuring that both children – who are of tender age and are attending school – are raised in a secure and nurturing environment. The contribution of a working mother in such circumstances cannot be measured merely in monetary terms. Her physical presence, emotional support, and other tasks such as supervision of homework, school routines, healthcare, meals, and moral guidance constitute a full-time responsibility that runs parallel to her professional life and cannot be measured in monetary terms. She does not have the liberty to relax after work, for



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her second shift begins at home – with responsibilities that are demanding, relentless, and yet, deeply formative for the children.

23. While adjudicating claims for maintenance, especially in cases involving minor children, the Court is not merely mediating a financial dispute between a husband and a wife. Rather, it is addressing the complex realities of a family in transition, where the focus must be on the welfare of the children, while also ensuring dignity and fairness to both the parents.

24. In this Court's opinion, a child who is living with a single parent should not feel deprived, either materially or emotionally. Maintenance must ensure that the child is able to live with the same dignity as he would have, had he been living with both the parents, particularly with the financial security that may have come from the father's support. The issue is not merely of the sustenance, but about preserving the child's self-esteem, continuity in education, lifestyle, and access to opportunities. The Court has to consider the needs of a vulnerable child and the parent – be it mother or father – who has taken on the primary responsibility for that child's upbringing. Therefore, the judicial lens must widen beyond the binary of marital conflict and instead focus on creating a framework of dignity, continuity, and care for the child.

25. This Court also remains conscious of the fact that every child has innumerable daily needs – many of which are intangible, small, and incapable of precise articulation in a petition which may be filed



before a court of law. These could range from school-related requirements, minor medical needs, hobbies, social activities, to something as ordinary yet important as going on a picnic with friends. Such needs are essential for the holistic development of a child and cannot be ignored merely because they are not quantifiable or specifically listed.

26. The maintenance is not meant to belittle the non-custodial parent, nor is it a measure of punishment. Similarly, the custodial parent should not be viewed as someone seeking charity or alms. Maintenance is not a favour; it is a recognition of shared parental responsibility, and of the child's right to be supported.

27. This Court is equally cognizant of the fact that maintenance must not result in unfair financial burden on the father, especially when the wife is earning and has been awarded no separate maintenance for herself. In such situations, the focus is on what is just, equitable, and necessary for the welfare of the child. Shared parenting may be the ideal, but where it is not feasible due to practical constraints, the financial arrangement made by way of maintenance should still ensure that the child continues to live a life of dignity and comfort.

28. These are unfortunate cases where both parties are often emotionally depleted. The parent with custody bears not only the financial but also the emotional weight of the child's trauma and adjustment. The parent must be emotionally available to absorb the



child's distress, confusion, and evolving needs. These psychological and emotional burdens cannot be calculated or addressed through a mere mathematical formula. Needless to say, a child's development is an integrated process, and a mother (as in the present case) who is available with a child through his or her educational journey, health challenges, emotional needs, and personality development, is providing a contribution that is invaluable. It is this daily investment – of time, energy, and care – that makes the role of – be it a mother or father in the children's lives irreplaceable.

29. Thus, maintenance cannot be determined by applying rigid arithmetic standards. One cannot determine maintenance by applying any arithmetical formula. There is no fixed percentage or rigid calculation that can universally apply to all cases. Every family is different, each situation is unique, and practical realities must guide the exercise of the Court's discretion. What may be adequate in one case may be wholly insufficient in another. It is, therefore, important for the Court to adopt a contextual, case-specific approach while keeping the best interests of the child at the core.

30. It must also be noted that had the husband in this case been in custody of the minor children, this Court may have framed the maintenance order differently, in a manner that would have addressed the unique challenges faced by him as the custodial parent. The approach of the Court is, therefore, not guided by gender, but by responsibility, need, and fairness.



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31. In the present case, a significant aspect that merits attention is that the respondent, who is admittedly employed as a stenographer in the District Court—a role that demands punctuality, mental acuity, and undivided focus—has been consistently balancing her professional responsibilities with the demands of her personal life. While it was contended by her counsel that she faces multifaceted challenges as a "single parent," this Court is of the view that such terminology requires a nuanced understanding. A custodial parent, though performing parental responsibilities independently, does not live a solitary existence; rather, he or she forms a familial unit with the children in their care. The presence of children, and the responsibilities that accompany their upbringing, confer upon such an individual the character of a family, not of a person leading a singular or isolated life.

32. To deal with the argument that the respondent herein is working and is thus financially and otherwise capable and empowered to not only take care of the children and her career but also, therefore, not seek maintenance, this Court is of the view that even in cases where a father has custody of young and minor children, the challenges he faces are, in essence, not dissimilar to those encountered by a mother in a comparable situation. While societal perception may traditionally lean towards the belief that a father's role is rendered more arduous due to professional commitments and prevailing gender expectations, the same logic must equally apply to working



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mothers, who often navigate identical—if not heightened—burdens.

33. In the present case, what stands out is that the respondent – a woman employed in a demanding position that requires sustained concentration, discipline, and extended working hours—is not seeking maintenance for herself but solely for the children born out of the wedlock. This, despite the fact that the petitioner earns nearly twice her income. The respondent continues to shoulder the primary responsibility for the children’s upbringing while simultaneously discharging her professional duties with diligence.

34. This case is, in many ways, an acknowledgment – if not a tribute – to all working custodial parents, irrespective of gender, who strive each day to maintain equilibrium between their obligations as caregivers and professionals. It is both appropriate and necessary to recognize their efforts with respect and without reductive labels, and try to measure their efforts as caregivers in monetary terms. To reiterate it is irrespective of the gender of the custodial parent.

35. Reverting to the facts of the case, the Courts below have rightly taken into consideration the fact that both minor children are studying in X School in Rohini, Delhi. It has also been noted that the elder child was enrolled in the same school even during the time when the parties resided together, and thus, the standard of schooling and related expenditure had already been a part of the household’s



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financial planning. The continuation of the same educational institution ensures stability for the children and aligns with the standard of living they were accustomed to while living with both the parents. In cases such as the present one, where the mother is both the primary caregiver and a working woman managing the entirety of the children's daily lives, her non-financial contributions must be duly acknowledged, and a mechanical 50:50 sharing of financial liability cannot be imposed.

36. It is also an admitted fact that respondent no. 1 is earning a net monthly income of approximately Rs. 75,000 to Rs. 80,000/-. On the other hand, the petitioner-husband's monthly income has been assessed at around Rs. 1,75,000/- for the reasons already recorded in the preceding discussion. In such circumstances, it would be just and equitable that the financial responsibility towards the upbringing of the minor children is shared more by the father of the children, i.e. the petitioner herein. Taking into account the respective incomes of the parties, and considering the reasonable expenses likely to be incurred towards the children's maintenance, education, and overall well-being, this Court finds that the maintenance of Rs. 50,000/- per month awarded in favour of two minor children, both being in custody of the mother, is not unjust and warrants no interference by this Court.

37. Needless to say, any amount of interim maintenance paid by the petitioner shall remain adjustable in the future amount of



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maintenance awarded by the learned Family Court.

38. The impugned orders of the learned Appellate Court and the learned Magistrate are accordingly upheld. The present petition is dismissed, along with pending application if any.

39. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

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