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

+ **CRL.REV.P.(MAT.) 136/2025**

ANKUSH CHAWLA

.....Petitioner

Through: Mr. Neeraj Gupta,
Advocate.

versus

TANU KAPOOR AND ANR

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **27.03.2025**

CRL.M.A. 9237/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed challenging the order dated 07.12.2024 (hereafter '**impugned order**'), passed by the learned Family Court, in Mt No. 263/2023 filed by the respondents under Section 125 of the Code of Criminal Procedure, 1973 ('**CrPC**').
4. The learned Family Court, by the impugned order, directed the petitioner to pay interim maintenance of a sum of ₹15,000/- per month to Respondent no.1/wife and ₹10,000/- per month to Respondent no.2/minor child (four years old).
5. The learned counsel for the petitioner submits that Respondent No.1 was working with a private company and was earning a handsome salary.
6. He submits that there are various entries in the bank account statement of Respondent No.1 showing the regular deposit of money from the company, namely, Genpact. He submits that Respondent No.1 deliberately resigned and is now sitting idle in order to claim maintenance from the petitioner.

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7. He submits that the income of the petitioner has been erroneously assessed by the learned Trial Court by only taking note of a few entries in his bank account.

8. In the impugned order, the learned Family Court noted that as per affidavit of assets and liabilities, the petitioner is stated to be running a business of readymade garments and his monthly income is ₹16,000/month. The learned Family Court observed that the bank account statement of the petitioner shows regular credit entries and some cash and cheque deposits for a sum of ₹40,000/-, ₹50,000/- and ₹3,20,000/-. On the basis of the same, the learned Family Court rightly observed that it *prima facie* appears that the petitioner has not disclosed his actual income.

9. As rightly appreciated by the learned Family Court and also observed by this Court in a many cases, it is a normal tendency of the parties to not disclose their true income in matrimonial disputes. 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**]. This Court finds no infirmity in the observation of the learned Trial Court that while the actual income of the petitioner will be ascertained in trial, he has the capacity to pay maintenance to the respondents.

10. Insofar as the argument in relation to the employment of Respondent No.1 is concerned, it is relevant to note that the petitioner has not disputed that the respondent had produced a letter showing her resignation from the concerned company.

11. The learned counsel for the petitioner relies upon the judgment passed by the Co-ordinate Bench of this Court in ***Megha Khetrpal v. Rajat Kapoor* : 2025: DHC:1742** to contend that when the wife deliberately chooses to stay home
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despite being well qualified, she cannot claim maintenance.

12. In the opinion of this Court, the judgment is not applicable to the facts of the present case as there is no *prima facie* evidence that shows deliberate avoiding employment to improve her odds of receiving maintenance.

13. It is stated that Respondent No.1 is not residing with petitioner. In the present case, admittedly, the parties have a four years old minor child who is being taken care of by Respondent No.1. It cannot be ignored that she now has the sole responsibility of taking care of the minor child and therefore, resigning from the job cannot be termed as deliberate in order to receive maintenance.

14. The learned Family Court also noted that the bank statement of Respondent No.1 for the year 2024 does not reflect any salary being credited into her account.

15. Why Respondent No.1 resigned can only be seen after the parties have led their evidence, however, at this stage, there is nothing on record to show that Respondent No.1 is able to maintain herself or that her resignation was deliberate.

16. In the opinion of this Court, the interim maintenance for a sum of Rs. 25,000/- per month, that is, ₹15,000/- for wife and ₹10,000/- for the minor child, is not unreasonable. The petitioner, being able-bodied man, cannot shirk his responsibility to maintain wife and minor child.

17. Even otherwise, the impugned order is only in regard to the interim maintenance. The defences raised by the petitioner, along with the allegations and counter allegations, would be the subject matter of the trial, and would have to be decided after the parties have led their evidence.

18. The learned Family Court is directed to pass final order
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uninfluenced by the findings made in the impugned order or this order.

19. The petition stands dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

MARCH 27, 2025/DU