



2025:DHC:11250



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: December 10, 2025**

+ **CRL.REV.P. 612/2023**
SHIVANI

.....Petitioner

Through: Mr. Ram Naresh, Adv.

versus

PARVEEN KUMARRespondent
Through: Mr. Raghav Anthwal,
Adv.

+ **CRL.REV.P. 613/2023**
PUSHPA DEVI & ORS

.....Petitioners

Through: Mr. Ram Naresh, Adv.

versus

PARVEEN KUMARRespondent
Through: Mr. Raghav Anthwal,
Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present revision petitions have been filed under Section 401 read with Section 397 of the Code of Criminal Procedure, 1973 ('CrPC') seeking modification of the impugned orders dated 30.09.2022 passed in MT No. 349/ 2020 and MT No. 350/2020 (*hereinafter 'impugned orders'*) passed by the learned Family Court and enhancement of the interim maintenance awarded.

2. In CRL. REV P. 613/2023, Petitioner No. 1/Smt. Pushpa

Signature Not Verified

Signed By: HARMINDER KAUR
Signing Date: 12.12.2025
18:02:21

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Devi is the wife of Respondent/Praveen Kumar and Petitioner No. 2 and 3 are their younger daughters. In CRL. REV P. 612/2023, Petitioner/Shivani is the elder daughter of the Respondent.

3. By the impugned orders, interim maintenance in the sum of ₹8,000/- per month, was awarded to each Petitioner.

4. The learned Counsel for the Petitioners submits that the learned Family Court has erroneously assessed the monthly income of the Petitioner and has wrongly permitted deductions towards HRA. He submits only statutory deductions such as income tax and EPF were liable to be deducted.

5. He further submits that the Respondent's mother has substantial bank deposits and is receiving old-age pension, and therefore, she could not have been treated as a dependent.

6. He further submits after permissible deductions the Respondent's income must be divided into five shares only.

7. He further submits that the Respondent additionally earns rental income and from agricultural land as well, which has not been considered in the present case.

8. *Per Contra*, the learned Counsel for the Respondent submits that the impugned order has been passed after due consideration and the amount towards HRA was rightly deducted since, the Respondent had to live in a rented accommodation due to the false complaints filed by the Petitioners.

9. Submissions heard and the material placed on record perused.



10. The scope of revisional jurisdiction under Sections 397 and 401 Cr.P.C. is narrow and circumscribed. Interference is warranted only where the impugned order suffers from patent illegality, perversity, gross impropriety, or results in miscarriage of justice.

11. It is equally well-settled that orders granting *interim maintenance* are interlocutory in nature, based on a *prima facie* assessment of material placed before the Court, and ordinarily ought not to be interfered with unless the finding is wholly arbitrary or untenable.

12. In the present case, both petitions essentially seek re-appreciation of the respondent's income, deductions, liabilities, and expenses, all of which are disputed matters requiring evidence.

13. The principal grievance of the Petitioners is that the Respondent's income has been under-assessed.

14. The learned Family Court, however, after duly considering that the Husband is working in Hero MotoCorp and his gross annual salary as reflected in Form-16 for the financial year 2020–2021 is Rs. 11,51,054/-, applied permissible deductions including income tax, and discounted the HRA component as the Respondent had stated he is staying in a rented accommodation and has not been able to stay in his house due to multiple complaints filed by the Petitioners. Thus, the learned Family Court arrived at a tentative yearly income figure of Rs. 7,20,000/-, for the *limited* purpose of ascertaining the interim



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maintenance.

15. This *prima facie* assessment cannot be said to be perverse or manifestly erroneous. Whether the Respondent is actually living in a rented accommodation and whether he has been earning any additional rental income or agricultural income as alleged is again a matter requiring evidence and cross-examination and cannot be determined at the interim stage without any cogent material.

16. Further, the learned Family Court took note of the fact that the Respondent has multiple dependents i.e. his aged mother, wife, three daughters.

17. In the case of ***Annurita Vohra v. Sandeep Vohra : 2004 (74) DRJ 99*** had observed that the collective income forms the Family Resource Cake, which is then distributed among the family members. The allocation of this "cake" should align with the financial needs of each family member, and an equitable approach would involve dividing the Family Resource Cake into two portions for the Husband, acknowledging his additional expenses incurred in earning, and one portion each for the other members.

18. Thus, the learned Family Court, allotted 2 shares to the Respondent and 1 share each to the old mother, wife and three daughters and awarded a sum of ₹8,000/- to each Petitioner, which cannot be said to be unjust, arbitrary, or disproportionate so as to warrant interference.

19. Evidently, the learned Family Court has undertaken only a



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prima facie assessment based on salary slips, Form-16, and the admitted liabilities towards the Respondent's aged mother, wife, and three daughters.

20. The impugned interim order has been passed to ensure that the Petitioners are not left without immediate financial support during the pendency of proceedings. The competing factual claims require evidence, and the Family Court has rightly observed that all such contentions are matters of trial.

21. In view of the above, this Court is of the considered view that the impugned order does not call for any modification or interference.

22. Needless to say that the final maintenance will be decided by the learned Trial Court after considering the evidence produced by both the parties.

23. It is made clear that any observation made in this order is only for the purpose of deciding the present petitions and shall not impact the outcome of the final order.

24. In view of the above, I find no merit in the petitions, which are hereby dismissed, along with pending application(s), if any.

25. A copy of this order be placed in both the matters

AMIT MAHAJAN, J

DECEMBER 10, 2025

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