



2025:DHC:1582



\$~14 & 15

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

%

Date of decision: 5th March, 2025+ **CRL.M.C. 986/2021, CRL.M.A. 5026/2021 & CRL.M.A. 11001/2021**

PUNEET SOLANKI

S / o Shri Kuldeep Singh Solanki

R/o House No.150, Nasirpur Village, Palam

Delhi-110045.

.....Petitioner

Through: Mr. Sandeep Sharma, Senior Advocate with Mr. Amit Chaudhary, Mr. Vishal Maan, Ms. Kavya Dank and Ms. Kriti Arora, Advocates.

versus

NIDHI SOLANKI

D/o Shri Dharampal

House no.59, Village-Nithari, Sector-22

Rohini, Delhi-110086

.....Respondent

Through: Mr. N.K. Bhambri, Mr. K.V.S. Gupta and Mr. Karan Bhambri, Advs.

+ **CRL.M.C. 1548/2021 & CRL.M.A. 10808/2021**

PUNEET SOLANKI

S / o Shri Kuldeep Singh Solanki

R/o House No.150, Nasirpur Village, Palam

Delhi-110045.

.....Petitioner

Through: Mr. Sandeep Sharma, Senior Advocate with Mr. Amit Chaudhary, Mr. Vishal Maan, Ms. Kavya Dank and Ms. Kriti Arora, Advocates.

versus

NIDHI SOLANKI

D/o Shri Dharampal

House no.59, Village-Nithari, Sector-22

Rohini, Delhi-110086

.....Respondent

Signature Not Verified

Digitally Signed
By: VIKAS ARORA
Signing Date: 10.03.2025
19:58:51

CRL.M.C. 986/2021 & 1548/2021

Page 1 of 5



2025:DHC:1582



Through: Mr. N.K. Bhambri, Mr. K.V.S. Gupta
and Mr. Karan Bhambri, Advs.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The aforesaid two petitions are decided by this common Order as they relate to same proceedings.
2. **CrI.M.C.986/2021** has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) has been filed against the Order dated 09.02.2021 granting interim maintenance in the sum of Rs.1 lakh per month to the Respondent/Nidhi Solanki, in an Application filed on behalf of the Respondent under Section 23 read with Section 23 & 20(3) of Protection of Women from Domestic Violence Act, 2005 (*hereinafter referred to as "DV Act"*).
3. **CrI.M.C.1548/2021** has been filed under Section 482 of Cr.P.C. to challenge the Order dated 01.07.2021 and 09.07.2021 passed in the Execution Proceedings wherein the learned M.M dismissed the objections filed by the Petitioner in relation to the realization of interim Maintenance.
4. The *main grounds of challenge* are that the final relief of maintenance has been granted to the Respondent at the initial stage without even considering the Reply of the Petitioner/Puneet Solanki. It is asserted that the learned M.M has oddly assumed that Petitioner has no other dependent except the Respondent and their children



2025:DHC:1582



whereas the Petitioner had clearly indicated in his Income Affidavit that he also has his parents who are dependent upon him.

5. Further, it has not been considered that the Respondent had repeatedly acknowledged that in a short span of few months, the Petitioner had transferred Rs.84 lacs including Rs.44 lacs by his mother which she had received as sale proceeds of a property, in the account of the Respondent which is still in her possession.

6. Furthermore, the expenses claimed by the Respondent were all hypothetical and inflated which admittedly she had not incurred. The Respondent had claimed that she on an average spends Rs.25,000/- per month on the children, which was accepted without considering the settled law that maintenance cannot be treated as a bounty but only rational and reasonable maintenance as per standard of living of the parties can be granted. There are various expenses claimed by her in her Affidavit of Income, which are apparently false and contrary.

7. The Court has erred in considering the gross income of the Petitioner as his net income as well as non incurring claims of the Respondent as her expenditure. It is further submitted that by the impugned Order learned M.M has assessed the average income of the Petitioner as Rs.5 lakhs till February, 2020 and has granted 50% of the said amount as Interim Maintenance to the Respondent. Rs.2 lakhs per month has been directed to be paid from the date of filing of the Petition till February, 2020 and from March, 2020; while Rs.1 lakh per month has been directed to be paid till further orders.



2025:DHC:1582



8. It is claimed by the Petitioner that the learned M.M has failed to consider the Bank Account Statement of the Respondent wherein as on 29.11.2019 she has more than Rs.34 lakhs deposited in her account which after the filing of the Complaint, were deviated towards two Term Deposits. She, in addition to Rs.6 lakhs yearly interest, has Bonds worth Rs.50 lakhs purchased by the Petitioner in her name. The Respondent cannot be considered entitled to interim maintenance having regard to all the deposits and income of the Respondent. Reliance has been placed on Bharat Hegde vs. Saroj Hegde, 140 (2007) DLT 16; Alok Kumar Jain vs. Purnima Jain, 2007 (96) DRJ 115 and Kusum Sharma vs. Mahinder Kumar Sharma, (2020) 271 DLT 232.

9. It is, thus, submitted that the impugned Order is liable to be set aside and consequently, the Execution proceedings initiated *vide* Execution No.70/2020 is also liable to be quashed.

10. *Learned counsel on behalf of the Respondent* has submitted that it is only an interim maintenance which has been granted by the learned M.M and all the contentions raised on behalf of the Petitioner are matters of trial which shall be considered at the stage of final disposal of the Petition.

11. It is, therefore, submitted that there is no merit in the present Petition which is liable to be dismissed.

12. **Submissions heard and record perused.**

13. On specific query, it has been disclosed on behalf of the



2025:DHC:1582



Petitioner that he is working as a Pilot in Air India and on an average is getting a salary of about Rs.5 lakhs per month. The main grievance of the Petitioner is that he has invested a total amount of Rs. 84 lakhs in the account of the Respondent which has not yet been taken into account while fixing the interim maintenance. It is also contended that the Respondent has taken up a job as a Government teacher since August, 2022 and is getting a salary of Rs.71,000/- per month.

14. The learned counsel for the Petitioner, however, has conceded that these contentions raised in the present Petition may be directed to be considered by the learned M.M at the time of disposal of the final petition.

15. In view of the aforesaid discussion, the present Petition along with the Execution Petition which already stands satisfied, are hereby disposed of with the observation that the contentions raised herein shall be considered by the learned M.M at the time of final disposal of the Petition.

16. The Petition is hereby disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

MARCH, 05, 2025

rk