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

+ CRL.REV.P. 678/2023 & CRL.M.A. 24926/2023

DEEPAK JAIN

.....Petitioner

Through: Mr. Punit Jain, Advocate  
(through VC).

versus

SHIKHA JAIN & ANR.

.....Respondents

Through: Mr. Rakesh Walia,  
Advocate (through VC).

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

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**19.09.2025**

1. The present petition is filed challenging the order dated 02.12.2022 (**'impugned order'**), passed by the learned Principal Judge, Family Court, West District, Tis Hazari Courts, New Delhi (**'Family Court'**), thereby granting interim maintenance of ₹28,000/- per month to the respondents, who are the wife and minor child of the petitioner.
2. Considering the income affidavit of the petitioner, the learned Judge assessed the monthly income of the petitioner as ₹56,000/- per month. The petitioner has not disputed the assessment of his income as ₹56,000/- per month.
3. The present petition is filed on the ground that Respondent No.1 had concealed her income and her bank statement. It is also claimed that she is gainfully employed with a company.
4. It is undisputed that the said ground has only been taken on presumptions and no document in support thereof is filed by the petitioner. It is relevant to note that the impugned order only relates to interim maintenance. The order for interim



maintenance is passed on a *prima facie* finding, considering the material on record.

5. Undisputedly the parties are at liberty to lead evidence in support of their defence and contention. However, in the absence of any proof showing that Respondent No. 1 is gainfully employed, no infirmity can be found in the impugned order granting ₹28,000/- per month as interim maintenance to the wife and child of the petitioner.

6. The learned counsel for the petitioner submits that pursuant to the passing of the impugned order Respondent No.1 had filed certain documents in other proceedings between the parties which clearly indicates that Respondent No.1 was earning.

7. The petitioner, in such circumstances, is at liberty to file an application under Section 127 of the CrPC. However, as noted above, in the absence of any proof of the income of the Respondent No.1, the order passed by the learned Family Court cannot be faulted with.

8. The petition stands dismissed with the aforesaid observations.

9. The petitioner is at liberty to take all arguments and lead evidence in support of his contention before the learned Trial Court.

10. Pending application also stands disposed of.

**AMIT MAHAJAN, J**

**SEPTEMBER 19, 2025**

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