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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 194/2025, CRL.M.A. 13145/2025, CRL.M.A.
13146/2025 & CRL.M.A. 13147/2025

AKASH TYAGI

.....Petitioner

Through: Mr. Vikram Saini, Mr. Suneel Kumar
Goswami, Advocates

versus

CHARU TYAGI

.....Respondent

Through: Mr. Nishank Tyagi, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
30.04.2025

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1. The present revision petition under Section 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is directed against order dated 19th September, 2024 passed by the Principal Judge, Family Court East District, Karkardooma Court in MT Case No. 411/2024, titled “**Charu Tyagi v. Akash Tyagi**”. By the said order, the Family Court has awarded **ad-interim** maintenance of ₹20,000/- per month in favour of the Respondent.
2. The Petitioner and the Respondent were married on 08th December, 2023. However, on account of certain temperamental differences and other reasons, the Respondent left the matrimonial home on 11th May, 2024, and has since been living separately.
3. Subsequently, the Respondent applied to the Family Court for award

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of maintenance under Section 125 Cr.P.C., which application is currently pending consideration. However, at this stage, pursuant to the Respondent's request, the Family Court, vide order dated 19th September 2024, granted ad-interim maintenance of ₹20,000/- per month to her. This order reads as follows:

"It is submitted by Ld. Counsel for the petitioner that there is no bar in the judgment of "Rajnish Vs. Neha" passed by the Hon'ble Supreme Court of India that this court cannot grant ad-interim maintenance to the petitioner. I have made interaction with both the parties. The petitioner is stated to be a housewife. It is submitted by the respondent that he is working as Sales Executive with Sony India Ltd and he is having net salary of Rs.77,000/- per month. In order to avoid destitution and vagrancy, I deem it appropriate to grant ad-interim maintenance @ Rs. 20,000/- per month to the petitioner from today till further orders.

The respondent is directed to deposit the amount of ad-interim maintenance into the bank account of the petitioner latest by 10th day of each English calendar month.

At this stage, both the counsels for the parties submit that there are chances of settlement between the parties and the matter may be referred to Mediation Centre, KKD Courts.

At joint request, the matter is referred to the Mediation Centre, KKD Courts for 21.09.2024 at 2.00 pm and matter be listed before this Court for report/completion of pleadings/arguments on the interim maintenance application on 12.12.2024.

The respondent is directed to file his reply/WS to the present petition alongwith his affidavit of income, assets and liabilities, ITRs of last 03 years and the bank account statements and salary slips, if any, and the requisite documents in terms of judgment of Rajnish Vs. Neha & Anr within one month from today with advance copy to the opposite counsel."

4. Counsel for the Petitioner contends that the award of ad-interim maintenance is grossly unreasonable and arbitrary. He submits that the Family Court erred in presuming that the Respondent is not earning, whereas, in fact, she is gainfully employed and has sufficient means to support herself.

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5. Counsel for the Respondent, on the other hand, categorically denies the Petitioner's assertions and submits that an income affidavit had been filed on behalf of the Respondent, wherein it was clearly stated that she is not employed and does not have any source of income. In order to remove any ambiguity, counsel, on instructions, further clarifies that the Respondent is not engaged in any employment and does not draw any income. He adds that, should this statement be proven false, the Respondent is willing to face the legal consequences for perjury.

6. The Court has considered the aforementioned contentions. At the outset, it bears emphasizing that the impugned order dated 19th September, 2024, addresses merely an **ad-interim arrangement** of maintenance, which is, by its very nature, a temporary arrangement, and operational until further orders passed by the Family Court. Such orders are provisional and open to variation upon a comprehensive evaluation of the evidence at the appropriate stage.

7. The Family Court, while determining the quantum of ad-interim maintenance to be awarded to the Respondent, recorded that the Petitioner's net salary is ₹77,000/- per month and that he is employed as a Sales Executive with Sony India Private Limited. On the other hand, the Respondent, as per the statement made by her counsel, is not earning any income. In view of these circumstances, the award of ad-interim maintenance is found to be reasonable and does not warrant any interference by this Court.

8. It is pertinent to reiterate that the ad-interim maintenance granted to the Respondent is a stopgap arrangement to ensure financial subsistence and basic security until further orders are passed by the Family Court. It neither

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concludes the rights of the parties nor prevents re-evaluation at the final stage.

9. In view of the above, the present petition is disposed of along with pending applications.

SANJEEV NARULA, J

APRIL 30, 2025/ab

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