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

+ CRL.REV.P. 279/2021, CRL.M.A. 14315/2021, CRL.M.A.
28192/2023, CRL.M.A. 15939/2024
DEEPA RAGHAV

.....Petitioner

Through: Mr. Pinaki Addy, Advocate.

versus

AMIT RAWAL

.....Respondent

Through: Mr. Durgesh Kumar Sharma,
Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **17.12.2025**

1. This revision petition is directed against order dated 16th August, 2019 whereby interim maintenance has been awarded in favour of the Petitioner for an amount of INR 6000/- per month.
2. The relationship between Petitioner (wife) and Respondent (husband) is not disputed. They got married on 7th March 2014. Parties do not have any children from this marriage. The marriage was short-lived, and the parties separated on account of marital discord and temperamental differences barely one and half years later. Various legal proceedings are ongoing between the parties.
3. Unable to sustain herself, the Petitioner filed a petition under section 125 Code of Criminal Procedure, 1973¹. During the pendency of those proceedings, the Petitioner moved an application seeking interim

¹ "CrPC"



maintenance. Upon consideration of the respective income affidavits and material placed on record, the Family Court passed the following order:

“The petitioner and the respondent filed their respective income affidavits. The petitioner in the income affidavit stated that she is Graduate and without any professional qualification. The petitioner is studying and not earning. The petitioner is incurring monthly expenditure of Rs.36,399. The petitioner is staying with her father who is businessman and having income of Rs.1,50,000/- per month Regarding the respondent, the petitioner stated that the respondent is MBA and is running his own Dharamkanta (Om Dharamkanta and earning Rs.2,50,000/- besides earning of Rs.2,00,000/- per month from the business of sale and purchase of plots/land The respondent is staying in the matrimonial home and has property. The petitioner has also detailed about her monthly expenditure.

The respondent in the Income affidavit stated that he is 12th class passed and is doing private job with monthly income of Rs.10,500/-. The respondent is not assessed to income tax. The family members are partly dependent upon the respondent Regarding the petitioner, the respondent stated that she is pursuing B.Com and used to give tuition to the students to 10th level with earning of Rs.20,000/-per month. The petitioner is residing with her parents.

The petitioner and the respondent got married on 07.03.2014 according to Hindu rites and customs and out of their marriage, no child was born. The petitioner and the respondent due to the matrimonial differences are living separately. The respondent stated that the petitioner used to give tuition before marriage to the students to 10 level and used to earn more than Rs.20,000/- per month. However, the respondent in income affidavit stated that at present the petitioner is not earning. The petitioner also stated that she is not earning and is studying.

The petitioner stated that the respondent is running a Dharamkanta(Om Dharamkanta) with monthly earning of Rs.2,50,000/- besides earning of Rs.2,00,000/-per month from the business of sale and purchase of plots/properties. The respondent stated that he is earning Rs. 10,500/- per month by doing a private job. Neither the petitioner nor the respondent placed any document which can reflect the monthly earning of the respondent as alleged by the petitioner. There is no concrete material available on the record which can reflect the monthly income of the respondent. The monthly income of the respondent is required to be assessed on the basis of material available on record on reasonable estimation. The respondent is appearing not much educated and without any professional qualification. The respondent is not assessed to income tax. After considering all facts, the monthly income of the respondent is assessed at Rs. 20,000/-.

The respondent is liable to maintain the petitioner being his wife The



respondent does not have any liability except to maintain the petitioner. There is nothing on the record which can suggest that the respondent has maintained the petitioner since their separation and as such the respondent has neglected and failed to maintain the petitioner. The respondent is directed to pay Rs.6,000/- per month to the petitioner as interim maintenance from the date of the application till the disposal of the case which shall be payable on or before 10th day of each English Calendar Month by directly depositing in the account of the petitioner. The petitioner is already awarded Rs.8,000/- as litigation expenses. The maintenance, already paid to the petitioner or granted in favour of the petitioner in any other legal proceedings shall be adjusted accordingly. The arrears of maintenance, if any shall be paid in 6 equal monthly installments commencing from September, 2019. The application for grant of interim maintenance is decided accordingly. Nothing in this order shall be taken as opinion on the merits of the case."

4. Mr. Pinaki Addy, counsel for the Petitioner, submits that the interim maintenance awarded is grossly inadequate and does not enable the Petitioner to meet even her basic needs. The Respondent has deliberately concealed his true income and that the Family Court failed to draw an adverse inference despite the Respondent being an able-bodied person under a legal and moral obligation to maintain his wife.

5. It is further argued that the Petitioner possesses recorded conversations in which the Respondent allegedly admits to earning approximately INR 2,50,000/- per month, and that the Family Court ought to have taken into account these admissions while fixing interim maintenance. He fairly acknowledges that the Petitioner has since completed her law graduation and is presently practicing as an Advocate in Delhi; however, at the relevant point of time, the Petitioner had no independent source of income. The Family Court has mechanically assessed the Respondent's income and fixed maintenance on an *ipse dixit* basis, without properly appreciating the material on record or applying settled legal principles



6. The Court has considered the aforementioned contentions and the examined the record. The challenge is directed against an interim order, and therefore the scope of interference at this stage is limited, bearing in mind that interim maintenance is fixed on a *prima facie* assessment of the material on record and is always subject to modification upon full evaluation of evidence. Detailed fact finding is neither warranted nor required at this stage. Interference in revision is warranted only where the discretion exercised by the Trial Court is shown to be perverse, arbitrary, or manifestly illegal.

7. The Family Court considered the income affidavits filed by both parties and expressly noted the absence of documentary material substantiating the Petitioner's allegation regarding the Respondent's substantially higher income. At the stage of interim maintenance, the assessment necessarily proceeds on pleadings and affidavits and involves a degree of estimation. As recognised by the Supreme Court in **Rajnish v. Neha**,² parties often place incomplete material on record, with a tendency on the part of the claimant to overstate needs and the respondent to understate income, requiring the Court to adopt a pragmatic and realistic approach rather than insist on strict proof.

8. Applying these principles, the Family Court took into account that the Respondent is educated only up to Class XII, has no shown professional qualification, and is not assessed to income tax. In the absence of material conclusively establishing actual earnings, the Family Court reasonably assessed the Respondent's monthly income at INR 20,000/- and awarded interim maintenance of INR 6,000/- per month.



9. The Petitioner's reliance on alleged recorded conversations attributing a higher income to the Respondent, in the absence of supporting documentary material, raises a disputed question of fact which cannot, by itself, justify enhancement of interim maintenance at this stage. In these circumstances, the quantum so fixed cannot be termed arbitrary or perverse so as to warrant interference in revisional jurisdiction.

10. At this stage, counsel for the Respondent has pointed out that the dispute pertains to a period commencing in 2017 and that on multiple occasions since 2021, the Petitioner has not appeared for recording of her statement. This assertion is disputed by counsel for the Petitioner. Although, this Court does not consider it necessary to enter into this controversy, it would suffice to observe that both parties remain at liberty to lead evidence before the Trial Court, and the interim maintenance awarded shall remain subject to variation or modification on the basis of the evidence adduced. No ground for interference with the impugned order is made out.

11. In the event of non-compliance of the impugned order, the Petitioner shall be at liberty to initiate execution proceedings in accordance with law.

11. Dismissed along with pending application.

SANJEEV NARULA, J

DECEMBER 17, 2025

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² (2021) 2 SCC 324.