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

+ CRL.REV.P. 575/2022, CRL.M.A. 17699/2022, CRL.M.A. 31141/2025

SANJAY KUMAR SRIVASTAVA

.....Petitioner

Through: Mr. Prashant Mehra, Mr. Praveen
Sharma, Ms. Paridhi Chhibber, Advs.

versus

MRS. JOLLY SRIVASTAVA

.....Respondent

Through: Ms. Kamini Srivastava, GPA in
person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.12.2025

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1. This petition under Sections 397 and 401 of the Code of Criminal Procedure, 1973¹ is directed against order dated 7th May, 2022 passed by the Family Court, Patiala House Courts, Delhi in MT No. 179/2021 titled ***“Jolly Srivastava v. Sanjay Kumar Srivastava & Anr.”*** By the impugned order, the Petitioner has been directed to pay monthly interim maintenance of ₹30,000/- to the Respondent with an annual increase of 5%.

2. The Petitioner, a retired government officer, is the son of the Respondent, an elderly lady aged about 85-86 years. The Respondent instituted proceedings under Section 125 of the Cr.P.C. seeking interim maintenance from her son, at which time he was drawing a monthly pension of approximately ₹88,000/-. As per the impugned order, the Respondent was herself receiving a family pension in the range of ₹19,000/- to ₹21,000/- per month, on account of her late husband's



government service. On consideration of the pension incomes and expenses of the parties, the Family Court, by the impugned order, awarded interim maintenance of ₹30,000/- per month, with an annual increment of 5%, payable by the Petitioner with effect from the date of institution of the underlying petition.

3. The Petitioner assails the impugned order, contending that the Respondent was in receipt of a family pension of approximately ₹33,000/- per month, inclusive of Dearness Allowance which is sufficient for her well-being. It is further urged that the Petitioner has other dependants to maintain, including his wife and son. Taking these aspects into consideration, this Court, on a *prima facie* basis by an interim order dated 5th September 2022, directed the Petitioner to pay a sum of ₹15,000/- per month to the Respondent.

4. Counsel for the Petitioner submits that as per the aforementioned interim order, maintenance is being regularly paid to the Respondent, which is not disputed by Ms. Kamini Srivastava, daughter of the Respondent, who is presently taking care of her. Ms. Srivastava, however, states that the Respondent is bed-ridden and that her medical condition has been deteriorating over time. She has been in and out of hospital since January, 2025 and has been completely confined to bed since August, 2025. She submits that, owing to her condition, the Respondent now requires the services of a full-time attendant/nurse for round-the-clock care. In such circumstances, the expenditure towards her medical treatment, medicines, and attendant charges exceeds ₹1,00,000/- per month. She acknowledges that the Respondent is, as on today, deriving family pension of ₹47,000/-

¹ “Cr.P.C.”



per month, but emphasises that the same is far from sufficient to cover her health-related expenses.

5. On the other hand, counsel for the Petitioner submits that the Family Court erred in assessing the Respondent's family pension during the relevant period. It is contended that the Respondent was, in fact, receiving a family pension of approximately ₹33,000/- per month, but owing to her failure to notify the pension authorities of her spouse's death, excess amounts were initially disbursed to her. Consequently, to adjust the overpayment, her pension was subsequently reduced to ₹19,000/-₹20,000/- per month. It is argued that the Family Court overlooked this crucial fact and erroneously proceeded on the basis that the Respondent's pension was only ₹19,000-₹20,000/-.

6. The Court has considered the aforementioned contentions. 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.

7. The Family Court awarded interim maintenance of ₹30,000/- per month, having regard to the respective income/pension and expenses of the parties at the relevant time. The Family Court, however, failed to consider that the Respondent had initially been receiving a pension of approximately ₹33,000/- per month, which was later reduced to ₹19,000/-₹20,000/- to adjust excess disbursements made earlier.

8. Nonetheless, in light of the material placed on record, particularly the Respondent's advanced age, her progressively deteriorating medical



condition, bedridden status, and the substantial recurring expenditure towards medical treatment, medicines, and attendant care, the impugned order warrants only a limited modification, and accordingly, the following directions are issued:

8.1. The Petitioner shall pay interim maintenance of ₹15,000/- per month to the Respondent from the date of institution of the underlying petition to 31st December, 2024.

8.2. With effect from 1st January 2025, the Petitioner shall pay interim maintenance of ₹30,000/- per month to the Respondent, payable on or before the 7th day of each calendar month.

8.3. Since the maintenance prior to 1st January 2025 is being reduced to half of the originally awarded amount, and keeping in view the Respondent's deteriorating health, it is directed that the annual enhancement of maintenance shall be 10% instead of 5%. For clarity, with effect from 1st January 2026, the interim maintenance shall be ₹33,000/- per month, with similar increments every following year, subject to the final adjudication of the underlying petition.

8.4. The arrears arising pursuant to the above directions shall be cleared by the Petitioner within a period of three months from today.

9. At this stage, counsel for the Petitioner expresses a concern regarding the proper utilisation of the maintenance amount, and states that the same shall be exclusively utilised for the benefit of the Respondent. In order to address this concern, it is directed that Ms. Kamini Srivastava shall place on record before the Family Court detailed bank statements and accounts reflecting the expenditure incurred towards the Respondent from 2022 onwards. The Family Court shall be at liberty to examine the same and pass



appropriate orders, if so required.

10. Furthermore, if any part of the medical expenses incurred on behalf of the Respondent is reimbursable under any applicable service terms/scheme, the Family Court shall consider the same and pass appropriate orders, if so required. The parties shall be at liberty to place the necessary material in this regard before the Family Court.

11. It bears emphasizing that an order of interim maintenance is a provisional measure designed to safeguard basic sustenance during the pendency of proceedings. It neither determines the parties' ultimate rights nor precludes a fresh evaluation upon full evidence at the final stage.

12. In terms of above directions, the petition along with pending applications, is disposed of.

13. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case. The parties shall be at liberty to adduce evidence at the stage of final adjudication, and the Family Court shall consider the same uninfluenced by any observations made in this order, and pass appropriate orders, in accordance with law.

SANJEEV NARULA, J

DECEMBER 12, 2025

Pallavi