



2025:DHC:11335



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

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*Judgment reserved on: 13.11.2025**Judgment pronounced on: 15.12.2025**Judgment uploaded on: 20.12.2025*+ **CRL.REV.P. 776/2024 & CRL.M.A. 17979/2024**

RAVI @ SACHIN

.....Petitioner

Through: Mr. Gopal Sharma, Ms.
Priyanka Rani and Mr. Tushar
Jaiswal, Advocates

versus

SMT SHIKHA

.....Respondent

Through: Mr. Naresh Kumar Sharma,
Mr. Gagan Kumar and Ms.
Priyanka Rana, Advocates

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present revision petition, the petitioner is seeking setting aside of the impugned judgment and order dated 14.03.2024, passed by the learned Judge, Family Courts, Karkardooma Courts, Delhi, [hereafter '*Family Court*'] in Maintenance Case No. 1270/2018, titled "*Smt. Shikha vs. Sh. Ravi @ Sachin*," whereby the petitioner-husband has been directed to pay a sum of ₹12,000/- per month to the respondent-wife towards maintenance.



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FACTUAL BACKGROUND

2. The brief facts of the case, as necessary for the disposal of the present petition, are that the petitioner and respondent got married on 07.03.2018 according to Hindu rites and ceremonies. It is alleged by the respondent herein that she was subjected to constant taunts for bringing insufficient dowry and was treated with utmost cruelty from the very next day of the marriage. Ultimately, on 19.06.2018, she was forcefully expelled from her matrimonial house. It is further alleged that the entire jewellery articles and *stridhan* of the respondent continue to remain in the custody of the petitioner. The respondent had also lodged a complaint before the ACP, CAW Cell on 25.06.2018.

3. Thereafter, the present petition under Section 125 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] was filed by the respondent-wife in October, 2018. By way of order dated 09.01.2019, the respondent-wife was granted interim maintenance of ₹5,000/- per month. The petition under Section 125 of Cr.P.C. was finally disposed of by the learned Family Court *vide* the impugned judgment dated 14.03.2024. The concluding portion of the said judgment is set out below:

“33. Considering the facts and circumstances, even if a conservative view is taken, the income of respondent cannot be less than the last drawn salary which is around Rs.40,000/- per month. This Court is not aware as to whether this salary includes any statutory deduction like tax or PPF or not. So considering the earlier credits in the account, the net income of the respondent is assessed to be Rs.36,000/- per month.



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34. In terms of the '*Annuritta Vohra vs. Sandeep Vohra*', reported as, '*2004 (3) AD 252*, income of the respondent is to be divided into three units. Out of which two units for the respondent and one unit for the petitioner.

35. The petitioner is awarded a consolidated sum of Rs.12,000/- per month w.e.f. the date of filing of the present petition in view of the judgment of *Rajneshr Vs Neha (2021) 2 SCC 324* till petitioner gets remarried.

36. The respondent is further directed to clear the arrears within a period of three months from today and shall continue to pay the amount of maintenance to the petitioner, by 5th day of every English Calendar month.

37. The amount, if any, paid towards maintenance shall adjusted in view of the judgment of Rajneslr (supra).

38. All the pending applications stands disposed off.

39. The present petition is disposed of accordingly...."

RIVAL CONTENTIONS

4. The learned counsel appearing for the petitioner-husband argues that the impugned judgment has been passed without proper appreciation of the evidence on record and that the learned Family Court has mechanically assessed maintenance under Section 125 of Cr.P.C., ignoring the relevant factual matrix. It is contended that the respondent-wife is an educated and capable person, who had admittedly worked earlier as a tele-caller earning about ₹12,000/- per month and thereafter as an HR Manager. It is further pointed out that she holds a Diploma in Computer Applications and has also completed an EMT course after the parties started living separately. It is argued that a person having such qualifications and prior work experience cannot be presumed to be incapable of maintaining



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herself. It is submitted that a spouse who is qualified and capable of earning, but chooses to remain idle, cannot seek maintenance by suppressing her income. The learned counsel further contends that the bank statements of the respondent, summoned by the Court for the period from 01.08.2019 to 05.03.2024, clearly reveal that she was operating another account with YES Bank, which demonstrates that she was continuously engaged in employment but had deliberately concealed her income from the Court; and thus, approached the Court with unclean hands. It is further argued that the learned Family Court has failed to direct the respondent to place on record her complete financial details, while at the same time, has relied upon the petitioner's income as assessed in the year 2018. According to the petitioner, his present income has substantially reduced and he is currently earning only about ₹11,000/- per month from M/s Velcode Solution Pvt. Ltd. It is also submitted that the learned Family Court has failed to take into account the petitioner's financial obligations towards his aged and dependent parents. On these grounds, the impugned judgment is argued to be unsustainable in law.

5. On the other hand, the learned counsel appearing for the respondent-wife raises a preliminary objection to the maintainability of the present revision petition. It is submitted that the impugned order dated 14.03.2024 is appealable in nature and that the petitioner, despite having an efficacious alternative remedy, has chosen not to avail the same. On this ground alone, it is argued, the present revision petition is liable to be dismissed. It is further contended that the scope



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of interference under Sections 397 and 401 of Cr.P.C. is extremely limited, and that this Court, while exercising revisional jurisdiction, cannot re-appreciate evidence or substitute its own findings unless the impugned order suffers from patent illegality, perversity, or jurisdictional error. According to learned counsel, the present petition is nothing but an attempt to convert revisional jurisdiction into appellate jurisdiction, which is impermissible in law. The learned counsel submits that the learned Family Court has passed a detailed, reasoned, and speaking order after considering the evidence led by both parties. It is argued that the respondent does not possess any specialised professional qualification or assured source of income, and that general observations regarding employability of women cannot be applied mechanically without examining the specific facts and circumstances of each case. It is further submitted that the petitioner was afforded adequate opportunity to cross-examine the respondent, but failed to elicit any material contradiction or discredit her testimony. The allegation that the learned Family Court ignored the respondent's second YES Bank account is denied, and it is contended that the said aspect was duly considered by the Court. On the contrary, it is submitted that the petitioner himself approached the Court with unclean hands, as the summoning of his ICICI Bank account statements revealed concealment of income and inconsistent stands, which were duly noticed by the learned Family Court. The learned counsel further argues that the respondent had candidly disclosed her past employment during cross-examination, and despite



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repeated opportunities, the petitioner failed to substantiate his defence with any documentary evidence, relying instead on conjectures and assumptions. It is therefore prayed that the present revision petition be dismissed.

6. This Court has **heard** the arguments addressed by the learned counsel for the petitioner and the learned counsel for the respondent and has perused the material on record.

ANALYSIS & FINDINGS

7. Insofar as the contention of the learned counsel for the respondent – that the present revision petition is not maintainable against the impugned order passed by the learned Family Court, as the same is appealable under the Family Courts Act, 1984 – is concerned, the same is unmerited, as the said objection stands negated in view of Section 19(4) of the Family Courts Act, as also the decision of the Division Bench of this Court in *Manish Aggarwal v. Seema Aggarwal*: 2012 SCC OnLine Del 4816, wherein it was held as under:

“26. We, thus, conclude as under:

- i. In respect of orders passed under Sections 24 to 27 of the HM Act appeals would lie under Section 19(1) of the said Act to the Division Bench of this Court in view of the provisions of sub-section (6) of Section 19 of the said Act, such orders being in the nature of intermediate orders. It must be noted that sub-section (6) of Section 19 of the said Act is applicable only in respect of sub-section (1) and not sub-section (4) of Section 19 of the said Act.
- ii. No appeal would lie under Section 19(1) of the said Act qua proceedings under Chapter 9 of the Cr. P.C. (Sections 125 to 128) in view of the mandate of sub-section (2) of



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Section 19 of the said Act.

iii. **The remedy of criminal revision would be available qua both the interim and final order under Sections 125 to 128 of the Cr. P.C. under sub-section (4) of Section 19 of the said Act.**

iv. As a measure of abundant caution we clarify that all orders as may be passed by the Family Court in exercise of its jurisdiction under Section 7 of the said Act, which have a character of an intermediate order, and are not merely interlocutory orders, would be amenable to the appellate jurisdiction under sub-section (1) of Section 19 of the said Act.”

(emphasis added)

8. Adverting to the merits of the case, this Court notes that the dispute arises out of a matrimonial relationship which lasted for a short duration of about three months. One of the principal contentions raised by the petitioner-husband is that the respondent-wife failed to make a complete disclosure of her bank accounts. It is argued that while the respondent disclosed only her account maintained with the State Bank of India and placed the corresponding bank statement on record, it subsequently emerged that she also held another bank account with YES Bank. Reliance is placed on the fact that certain amounts, i.e. ₹5,000/- and ₹1,000/-, were transferred between the SBI account and the YES Bank account of the respondent in June, 2023.

9. In this regard, this Court finds that no such specific objection was raised before the learned Family Court in the manner now sought to be urged nor the petitioner herein had himself brought on record any evidence that she had an account which is operative in her name by summoning any witness from the concerned bank. Before the



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learned Family Court, the submission was confined to a general allegation that since the respondent had been working prior to marriage and her SBI bank statement did not reflect any salary credit, it must be presumed that she was maintaining another bank account. This contention was specifically considered and rejected by the learned Family Court in paragraph 21 of the impugned judgment, which is extracted hereunder:

“21. It was argued that petitioner was working prior to her marriage and once the account does not reflect credit of salary it implies that she has another account. According to PW-I, she has only one account that is in SBI. Admittedly, there is no credit in this account which could suggest that she was receiving the salary. However, nowhere in the cross-examination it has come that salary was being received in the account. PW-1 was never asked as to how she was receiving the salary whether in cash or in account. In the absence of same, it can not be believed that she has another account. The said submission of the learned counsel for the respondent is liable to be rejected.”

10. The learned Family Court has recorded that during cross-examination, the respondent was not questioned as to whether her salary was being received in cash or credited to any bank account, nor was she confronted with any suggestion regarding the existence of another account. In the absence of same, the learned Family Court rightly held that a mere presumption regarding the existence of another bank account could not be accepted. The petitioner, having failed to raise this issue before the learned Family Court or to confront the respondent with specific questions on this aspect at the time of leading evidence, cannot now seek to improve his case at the



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revisional stage.

11. The petitioner-husband has also contended that the respondent-wife is capable of maintaining herself, as she was admittedly earning about ₹12,000/- per month prior to the marriage. It is urged that, being qualified and having worked earlier, the respondent ought not to have been awarded maintenance. This contention, however, is unmerited. The Hon'ble Supreme Court, in ***Shailja & Anr. v. Khobbanna***: (2018) 12 SCC 199 [reiterated in ***Rajnesh v. Neha***: (2021) 2 SCC 324] has categorically held that “*merely because the wife is capable of earning, it would not be a sufficient ground to reduce the maintenance awarded by the Family Court.*” What is required to be examined is whether the wife is actually earning and, if so, whether such income is sufficient to enable her to maintain herself with reasonable comfort and dignity, consistent with the standard of living enjoyed in the matrimonial home. The Supreme Court has further emphasized that ‘sustenance does not mean, and cannot be allowed to mean, mere survival’.

12. In the present case, although the petitioner sought to argue before the learned Family Court that the respondent was still working and earning, and was allegedly employed as a teacher, he clearly admitted during his cross-examination that he possessed no proof to substantiate this assertion. In the absence of any evidence to show that the respondent is presently earning a sufficient and stable income, the mere fact that she had earned ₹12,000/- per month prior to the marriage cannot, by itself, disentitle her from maintenance.



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This Court therefore finds no merit in the said contention, and the same is accordingly rejected.

13. Insofar as the quantum of maintenance is concerned, the learned Family Court has determined the maintenance payable to the respondent-wife on the basis of the bank statements of the petitioner for the period from 2017 to 2018. The said statements reveal that a sum of ₹31,167 was credited as salary on 12.12.2017, ₹32,300 on 15.02.2018, ₹35,000 on 02.06.2018, and ₹40,000 on 09.07.2018.

14. In contrast, the petitioner disclosed his income in the income affidavit as ₹17,000 per month, stating that he was employed at Najafgarh for only 6–7 months. He further stated that he was presently working with Velcode Solutions since May/June 2022, and that a salary of ₹11,000 is being credited to his HDFC bank account. The salary slip in support of the said claim is available on record

15. However, the learned Family Court has held as under:

31. The burden to prove actual income is upon the respondent as he has the special knowledge in light of Section 106 of the Indian Evidence Act. When respondent appeared pursuant to the notice issued by this Court, his statement under Order X CPC r/w Section 165 of the Indian Evidence Act was recorded, wherein he stated that he is earning around Rs.17,000/- per month. When he filed his detailed affidavit, he clearly stated his income to be Rs.17,000/- per month. The affidavit was filed in the year 2019. In the cross-examination, he has stated that he had worked in Velcode Solutions since May/ June 2022 wherein his salary was Rs.11,200/-. He had filed a salary slip which was marked as Mark- A. He did not produce any witness from his employer to prove that actually he is earning Rs.11,200/-. It belies common sense that a person who was earning around Rs.17,000/- in the year 2019 would be earning Rs.11,200/- in 2023. It is not even the case of the respondent



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that he lost his job for any reasons and subsequently, he had to work for a lesser salary. Clearly, respondent is not disclosing his true income.

32. In his cross-examination, RW-1 stated that earlier he was working in Najafgarh and his salary used to be credited in ICICI Bank account. The details of ICICI bank was provided by the respondent but he did not file the account statement. This Court summoned the record. No prejudice can be said to be caused to the respondent as it is his record which he was trying to conceal from the Court. In any case, this Court is not bound by strict procedures of the Indian Evidence Act in light of Section 10 (3) and Section 14 of the Family's Court Act. On perusing the same) it is clear that on 12.12.2017, a sum of Rs.31,167/- was credited as salary, on 15.05.2018, a sum of Rs.32,300/- was credited. On 02.06.2018, a sum of Rs.35,000/- was credited. On 09.07.2018, a sum of Rs.40,000/- was credited as salary. Thereafter, the salary has not been credited in the account maintained at ICICI Bank. It is also come on record that in June, 2018, separation took place. Clearly after that respondent started to hide his true income. It is against human conduct that a person who was earning around Rs.40,000/- per month in the year 2018, would work for one fourth of his salary in the year 2023. No witness was summoned by the respondent from Velcode Solutions Pvt. Ltd. to prove the actual salary drawn by the respondent the other perks and package of the respondent. RW-1 admitted in the crossexamination that his father is maintaining a car and brother has a bike i.e. Suzuki-Gixxer, which costs around Rs.1,459000/-. Respondent also admitted that he is using I-phone 11. It is a matter of common knowledge that when the marriage is solemnized the husband and his family project themselves as a single unit and the income of the husband is always inflated, however, when dispute arises the husband is separated from the entire family and is shown either to have meager income or as pauper.

33. Considering the facts and circumstances, even if a conservative view is taken, the income of respondent can not be less than the last drawn salary which is around Rs.40,000/- per month. This Court is not aware as to whether this salary includes any statutory deduction like tax or PPF or not. So considering the earlier credits in the account, the net income of the respondent is assessed to be Rs.36,000/- per month."



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16. Having considered the aforesaid reasoning of the learned Family Court, this Court is unable to agree with the manner in which the petitioner's income has been assessed.

17. While it is true that the petitioner had earned amounts ranging between ₹31,000/- to ₹40,000/- per month during the period 2017–2018, this Court finds merit in the submission that merely because he was earning about ₹40,000/- per month in the year 2018, it cannot automatically be presumed that he must necessarily be earning the same amount, or more, several years thereafter. Income can fluctuate depending upon employment conditions, availability of work, and other attendant circumstances. The learned Family Court's observation that it "belies common sense" that a person earning ₹40,000/- in 2018 could earn a lesser amount in 2023, in the opinion of this Court, proceeds on an assumption which is not invariably borne out by real-life economic conditions.

18. At the same time, this Court is of the opinion that since the petitioner was earlier working and earning ₹40,000/- per month, and he being an able-bodied person with prior work experience, cannot plead to earn even less than the minimum wages for a skilled worker. During the period 2019-2024, the minimum wages for a skilled worker were between ₹18,000-21,500/-. On such an assessment, the petitioner's income can reasonably be taken at ₹20,000/- per month for the purpose of deciding the present petition. Applying the



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principle laid down in *Annurita Vohra v. Sandeep Vohra*: 2004 SCC OnLine Del 192, one-third of the said income would be liable to be apportioned towards the maintenance of the respondent-wife. Accordingly, the respondent would be entitled to maintenance of ₹7,000/- per month, subject to adjustment of any amount already paid.

19. Accordingly, the impugned judgment is modified to the aforesaid extent.

20. The present petition, along with pending application, stands disposed of.

21. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
DECEMBER 15, 2025/zp