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

+ **CRL.REV.P. 993/2023 & CRL.M.A. 25396/2023**

SAJIT KUMAR DUBEYPetitioner

Through: None.

versus

PUNITA

.....Respondent

Through: Mr. Birbal Sharma, Adv.
through V.C.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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22.09.2025

1. None appears for the petitioner.
 2. The petitioner has not been appearing from quite some time. He seems to not be interested in pursuing the present petition.
 3. Even otherwise, by the present petition, the petitioner has essentially challenged the order dated 12.05.2023 (hereafter '**impugned order**') passed by the learned Principal District and Sessions Judge ('**PDSJ**'), Rohini Courts thereby dismissing the appeal preferred by the petitioner under Section 29 of the Protection of Women from Domestic Violence Act, 2005 ('**DV Act**') against the order dated 06.03.2023 passed by the learned Metropolitan Magistrate.
 4. By the order dated 06.03.2023, the learned Magistrate, in an application filed by the respondent under Section 23 of the DV Act, had directed the petitioner to pay a sum of ₹15,000/- per month to the respondent as interim maintenance. It was noted that no evidence had been brought on record to show that the respondent/wife had any source of income. The learned Magistrate noted that two minor children are in the care and
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custody of the respondent whereas one child is in the custody of the petitioner.

5. It was further noted that while the salary slip filed by the petitioner revealed that he was getting a salary of ₹10,473/-, however, the bank statement filed along with the affidavit reflected certain unexplained credit entries. The petitioner was shown to have received a sum of ₹46,000/- in the month of November, 2022 and another sum of ₹27,000/- in the month of December, 2022.

6. The learned Magistrate thus noted that the petitioner seemed to have deliberately concealed his income to defeat the right of maintenance. The income of the petitioner was consequently assessed as ₹30,000/- per month. Further, the petitioner was directed to pay a sum of ₹15,000/- per month as interim maintenance for the respondent and the two minor children.

7. By the impugned order, the learned PDSJ dismissed the appeal preferred by the petitioner against the order dated 06.03.2023. The same led to the filing of the present petition.

8. It is common knowledge and has been observed by this Court in many cases that it is a normal tendency of the parties, especially in matrimonial disputes to not disclose their true incomes. The Courts in such circumstances are permitted to make some guess work and arrive at a figure that a party may reasonably be earning. [Ref: **Bharat Hegde v. Saroj Hegde : 2007 SCC OnLine Del 622**].

9. A *prima facie* guess work, at this stage, can be made on the basis of the material placed on record and some amount of common knowledge.



10. Upon a perusal of the impugned order as well as the order dated 06.03.2023 passed by the learned PDSJ, in the opinion of this Court, it was rightly observed that there have been certain unexplained financial transactions in the account of the petitioner.

11. The respondent also, *prima facie*, at that stage, could not be shown to be gainfully employed or not dependent on the petitioner for maintenance.

12. In such circumstances, a sum of ₹15,000/- as interim maintenance per month for the respondent and two minor children is not unreasonable amount.

13. It is not disputed that the impugned order is only an order of interim maintenance. The defences raised by the parties, along with the allegations and counter allegations, would be the subject matter of trial, and would have to be decided after the parties have led their evidence.

14. In view of the aforesaid, this Court does not find any reason to interfere with the impugned order and the same cannot be faulted with.

15. The learned Magistrate is directed to pass the final order uninfluenced by the observations made in this order.

16. The present petition is, accordingly, dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 22, 2025/“SK”