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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **CRL.REV.P.(MAT.) 288/2025, CRL.M.A. 18381/2025
& CRL.M.(BAIL) 1340/2025**

ANIL

.....Petitioner

Through: Mr. Sunil Kumar, Adv.

versus

ANJU KUMARI & ORS.

.....Respondents

Through: Mr. A.K. Soni &
Ms. Priyanka Soni, Advs.
for R1

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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02.07.2025

1. The present petition is filed challenging the judgment dated 28.04.2025 (hereafter '**impugned judgment**'), passed by the learned Additional Sessions Judge ('**ASJ**'), North East District, Karkardooma Courts, Delhi, in Criminal Appeal No. 33/2025.

2. By the impugned judgment, the learned ASJ has allowed the appeal filed by Respondent No.1/ wife and set aside the order dated 24.02.2025, in Ct Case 139/2024, whereby the learned Trial Court had dismissed the application for interim reliefs under Section 23 of the Protection of Women from Domestic Violence Act, 2005 ('**DV Act**'). The learned ASJ directed the petitioner to pay a sum of ₹10,000/- as interim maintenance to Respondent No.1 from the date of filing of the application under Section 12 of the DV Act.

3. The learned counsel for the petitioner submits that the awarded maintenance amount is excessive as the petitioner is



only earning a salary of ₹1,00,000 month approximately. He further submitted that the learned Appellate Court has failed to appreciate that Respondent No.1 is highly qualified and she is capable of maintaining herself. He submits that Respondent No.1 is receiving a handsome amount by renting her car for commercial purposes and she is also earning by giving tuition classes.

4. The learned counsel for Respondent No.1 appears on advance notice. He submits that the petitioner has concealed his income and he is earning close to ₹29,000/month. He submits that the learned Appellate Court has awarded a just amount as maintenance. He further denies that Respondent No.1 is earning any amount through renting her car or offering tuition classes.

5. I have heard learned counsel for the parties.

6. While this Court finds merit in the observation of the learned Appellate Court that Respondent No.1 ought not to have been denied relief by the learned Trial Court after finding that she *prima facie* appears to be an aggrieved person, especially in the absence of any material which evidences that she is earning, however, the awarded maintenance seems to be on the higher side.

7. A bare perusal of the impugned award shows that the learned Appellate Court has computed the maintenance amount by taking the salary of the petitioner as ₹21,112/-, as was admitted by the petitioner in his income affidavit. As also rightly noted by the learned ASJ, *prima facie*, it appears that the petitioner took a loan from his employer on 07.06.2024 to reduce his in-hand salary and he did not disclose about the same in his income affidavit. No material is placed on record at this stage to substantiate the monthly expenditures claimed by the petitioner



or to show that the petitioner has any other dependents either.

8. In such circumstances, as per the case of **Annurita Vohra v. Sandeep Vohra : 2004 (74) DRJ 99**, the learned Appellate Court should have taken an equitable approach and divided the income of the petitioner into three portions, allocating two portions for the husband/ petitioner by acknowledging his additional expenses incurred in earning, and one portion for Respondent No.1. By this calculation, the share of Respondent No.1 would roughly come to ₹7,000/ month.

9. In view of the aforesaid discussion, this Court considers it apposite to reduce the maintenance amount. Consequently, the petitioner is directed to pay a sum of ₹7,000/- per month as interim maintenance to Respondent No.1 from the date of filing of the application under Section 12 of the DV Act.

10. Insofar as the argument in relation to the petitioner earning a higher salary is concerned, Respondent No.1 is at liberty to seek appropriate remedy by establishing the same before the learned Trial Court. Moreover, it is pertinent to note that the impugned order pertains to interim maintenance. The contentions raised by the parties along with the allegations and counter allegations would be finally adjudicated after the parties have led their evidence. No material has been placed on record at this stage that would merit refusal of interim maintenance to the respondent wife.

11. The present petition is allowed in the aforesaid terms. Pending applications stand disposed of.

AMIT MAHAJAN, J

JULY 2, 2025