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

+ MAT.APP.(F.C.) 262/2025, CM APPLs.43222/2025 (for stay),
43223/2025 (for delay) & 47461/2025 (under Section 151 CPC)

SH. AKHIL KAPURAppellant
Through: Mr. S.P. Mehta, Advocate.

versus

SMT. TARUNAK.APURRespondent
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER

05.08.2025

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1. By way of the present Appeal, the Appellant challenges the legality and correctness of the **Order dated 22.03.2025¹** passed by the learned **Judge, Family Court-01, South East District, Saket Court²**, in HMA No. 2069/2019, whereby the Appellant has been directed to pay a sum of Rs. 30,000/- per month to the Respondent/wife towards her maintenance under Section 24 of the Hindu Marriage Act, 1955.

2. Learned counsel for the Appellant submits that the Impugned Order has been passed by the learned Family Court on the basis of an erroneous assumption that the Appellant is earning at least Rs. 1,25,000/- per month. It is contended that such assumption has been arrived at by the learned Family Court merely by estimating the Appellant's monthly expenses to be between Rs. 67,500/- and Rs. 87,500/-.

¹ Impugned Order

² Family Court



3. It is further submitted that the learned Family Court has erred in assessing the quantum of maintenance awarded to the Respondent, as the Appellant's income is stated to be not more than Rs. 30,000/- per month. In support of this contention, reliance is placed upon the Income Tax Returns filed by the Appellant.

4. Learned counsel further contends that the Appellant had duly disclosed the monthly income of his daughter in his affidavit; however, the learned Family Court has failed to consider this fact in the Impugned Order.

5. It is also submitted that subsequent to the marriage of the Appellant's daughter, the income which she formerly earned has ceased.

6. Lastly, learned counsel for the Appellant contends that the learned Family Court failed to appreciate that the Respondent has not furnished any details regarding her income from her job or from the cafe business allegedly being operated by the Respondent.

7. Upon perusal of the material placed on record, this Court finds that the affidavit of income and assets filed by the Appellant is not correct, as it reflects his monthly expenses ranging between Rs. 67,500/- and Rs. 87,500/-, whereas the Appellant's affidavit disclosing an income of only Rs. 30,000/- to Rs. 35,000/- per month.

8. This Court has considered the submissions advanced by learned counsel for the Appellant. It is evident that the Appellant's monthly expenses lie between Rs. 67,500/- to Rs. 87,500/-, and that he has been engaged in the textile trade for the past thirty-six years. Over this period, the Appellant has accumulated sufficient financial means.

9. It is pertinent to note that the Appellant has been carrying on business in textiles in Mumbai since 1989. The record further reveals



that the Appellant undertook international travel to Bangkok and Singapore for his honeymoon, and is currently servicing an EMI of Rs. 12,500/- per month, all of which demonstrate his financial capacity.

10. In view of the foregoing, it is evident that the affidavit filed by the Appellant does not truly reflect his income. Accordingly, no ground is made out for interference with the Impugned Order. Thus, the present Appeal along with pending applications is dismissed.

ANIL KSHETARPAL, J

HARISH VAIDYANATHAN SHANKAR, J

AUGUST 5, 2025/rk/ds