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

\+ CRL.REV.P.(MAT.) 358/2025, CRL.M.A. 22770/2025, CRL.M.A. 22771/2025 & CRL.M.A. 22772/2025

SUKHWINDER SINGH & ANR. .....Petitioners

Through: Ms. Kannupriya Paliwal, Mr. Harsh Gupta, Advocates

versus

LABH SINGH .....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% 05.08.2025

1. The present revision petition filed under Sections 438, 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] is directed against order dated 10th March, 2025, passed by Principal Judge, Family Court, North West District, Rohini, Delhi in Mt. Case No. 432/2024 titled ***Labh Singh v. Sukhwinder Singh***, whereby the Court, while entertaining the Respondent's petition under Section 144 of BNSS for claiming maintenance, granted a monthly interim maintenance amount of INR 15,000/- from the date of filing of the petition till its disposal.

2. The impugned order reads as follows:

> *"Income affidavit on behalf of respondent no. 2 and application on behalf of both the respondent for impleading daughters as party have been filed. Be taken on record. Copies supplied.*

[1] "BNSS"

This is an application for interim maintenance filed on behalf of petitioner father for claiming maintenance @ Rs. 1 lacs from the respondent's son.

Ld. Counsel for petitioner states that petitioner was an old aged father of respondent nos. 1 and 2. Respondent no.2.was having two houses one in his name and one in the name of his wife. Respondent no.2 was involved in selling cattle as well as milk business. He was having 11 acres of agriculture land. He has two daughters and one was studying in Canada. Respondent no.2 has concealed his bank account as he alleged to be getting some amount from abroad which ought to be received in some bank account but the same has not been disclosed. He was having two motorcycle, T.V. fridge, two house and other luxurious items in his possession but was not maintaining his father. Respondent no. l is stated to be working in Max Insurance Company and his salary about Rs.1.14 lacs p.m. in hand. He was maintaining 22 accounts and has prayed that petitioner required at least Rs.15,000/- to Rs.20,000/- p.m. Tor medical expenses, Rs. 10,000/- for rent and Rs.10,000/- for other expenses. Petitioner was getting pension of Rs. 1900/- p.m. from LIC.

Ld. Counsel for respondent has argued that petitioner was owner of 8 ½ Bigha of fertile land and he had disowned respondent nos.1 and 2 and was living with his daughter out of his own choice. They had never turned out petitioner from their home and even today were ready to take care of the petitioner and asked petitioner to reside with them. Respondent no.2 was looking after his father till the time he was living with him and has never asked him to go out. Respondent no. 1 stated that in this month he has received salary of only Rs.61,000/- as there were deductions relating to PF and income tax and also stated that his income would be around Rs.80,000/- to Rs.90,000/- p.mn. as average.

Ld. Counsel for respondent further argued that the actual matter between the parties that there was a dispute relating to land and petitioner's daughter were trying to win over the petitioner by debarring respondents and wanted to sell his property but due to non-availability of the access to the land, they had been putting pressure on the respondent no.2 to ask his friend to allow them for access so that they could sell the property. They stated that since petitioner was having access to & ½ Bigha of fertile land therefore, petitioner is not entitled for any maintenance.

At this stage, it is not disputed that petitioner is more than 80 years of age residing with one of his daughters. The land 8 ½ Bigha in question is under dispute and there was a case pending against them and a status quo order by competent court in regard to the same has been passed. It is also not disputed that petitioner did not have any other source of income except petitioner getting Rs.8,000/- p.a. as

Kishan Samaan Nidhi, Rs. 1 900/- p.m. as pension from L.I.C and might be eligible for old age pension as per social welfare scheme of the Government. At this stage, disputed question between the parties would be matter of trial. Accordingly, petitioner is entitled for interim maintenance. Considering the genuine needs of petitioner at this stage are taken as Rs.20,000/- p.m. Since petitioner can be presumed to be having average income of about Rs.3,000/- -- Rs.5000/- p.m. As such respondent no. 1 and 2 are liable to pay Rs.15,000/- total i.e. Rs.7,500/ p.m. each to the petitioner from the date of filing of the petition till disposal off the main petition. Respondents to pay the aforesaid amount directly into the account of petitioner by 10 of every month and clear the arrears within 4 months. Accordingly, the interim maintenance application is disposed off.

From the pleadings of the parties, following issues are framed for consideration:
1. Whether the petitioner is entitled for maintenance from the respondent, if so for what amount? OPP
2. Relief.
No other issues arises or is pressed for."

3. The Petitioners are the sons of the Respondent, who is 82 years of age. The filial relationship between the parties is not in dispute. Despite the advanced age of the Respondent, and their own status as his natural heirs, the Petitioners have assailed the impugned order on multiple grounds. They contend that the order is arbitrary and disproportionate to their means and that the present litigation has been instigated at the behest of the Respondent's daughter and son-in-law to advance their collateral objectives. According to the Petitioners, the Respondent resided with Petitioner No. 1 for a period of six to seven years, during which he was provided for, and thereafter with Petitioner No. 2 until 2023. It is asserted that he subsequently began residing with his daughters, by choice rather than out of compulsion.

4. The Petitioners submit that they have never refused to maintain their father and remain willing to do so at their respective homes. They allege,

however, that the present proceedings have been engineered as a pressure tactic in the context of a property dispute, wherein access to certain agricultural land and its proposed sale have become contentious issues between the Respondent’s daughters and the Petitioners. It is further urged that Petitioner No. 2, in particular, has modest means, with a limited and fluctuating income, and is already under financial strain due to personal commitments. The direction requiring him to contribute INR 7,500/- per month towards interim maintenance, they argue, imposes an excessive and inequitable burden given his resources and other obligations.

5. The Court has duly considered the afore-noted contentions. At the outset, it bears emphasis the present challenge arises in the exercise of this Court’s revisional jurisdiction, the scope of which is narrow. The Court does not sit in appeal to reassess the merits of the case but intervenes only where there is a jurisdictional error, manifest illegality, perversity, or a finding so unreasonable that it results in a miscarriage of justice.

6. Moreover, the order under challenge concerns interim maintenance, an interlocutory measure designed to ensure basic sustenance during the pendency of the main proceedings. Such orders are provisional in character, meant to address immediate needs, and do not constitute a final adjudication of rights or liabilities. They neither foreclose the parties’ substantive claims nor predetermine issues that will be adjudicated at trial.

7. Furthermore, it is also a settled legal position that, while considering an application for interim maintenance, the Court is not expected to engage in a minute, trial-like evaluation of evidence. The inquiry is necessarily summary, requiring a broad and reasonable assessment of the parties’ means, needs, and circumstances, based on the financial disclosures and

material placed on record.

8. The question at this stage is not whether the Petitioners are willing to maintain their father in their homes, but whether, in fact, they are contributing adequately to his upkeep when he resides elsewhere. Section 144 of BNSS (corresponding to Section 125 of Code of Criminal Procedure, 1973), recognises the right of a parent unable to maintain themselves to claim maintenance from their children, and this right is not contingent on residence in a particular household.

9. Petitioner No. 1, who was present in Court, acknowledged that he is employed as a Branch Manager in an insurance company, earning INR 1,11,000/- per month. In these circumstances, the Family Court's direction requiring a total contribution of INR 15,000/- per month for the maintenance of an 82-year-old father, who admittedly has no substantial independent income, cannot be regarded as excessive. Even by the Petitioners' own showing, the Respondent's income from pension and other sources is barely INR 4,000/- to INR 5,000/- per month, a figure plainly insufficient to meet basic living and medical expenses at his age.

10. As for Petitioner No. 2, his plea that he cannot contribute INR 7,500/- per month towards his father's maintenance is untenable. The obligation to maintain an aged parent in indigent circumstances is not only a statutory duty but also a moral imperative. An able-bodied adult son is expected to arrange such a modest contribution, particularly when the beneficiary is in advanced age and may not have many years ahead. The impugned order also reflects a balanced approach: the Family Court took into account the Respondent's own meagre income, assessed his reasonable monthly needs at INR 20,000/-, and proportionately fixed the Petitioners' combined

contribution at INR 15,000/-, i.e., INR 7,500/- each. There is no material to suggest that this assessment was either arbitrary or based on an incorrect appreciation of facts.

11. In view of the above, this Court finds no illegality, perversity, or jurisdictional error in the order under challenge. The Family Court applied settled principles to the facts before it, and reached a conclusion that is fair, reasonable, and consistent with law. Interference in revisional jurisdiction would therefore be wholly unwarranted.

12. In view of the above, the present petition is dismissed along with pending applications, with costs of INR 10,000/-.

SANJEEV NARULA, J

AUGUST 5, 2025/MK/ab