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

+ CRL.M.C. 5822/2025 and CRL.M.A. 24881/2025 & CRL.M.A.
24882/2025

LOKESH MALHOTRA

.....Petitioner

Through: Mr. Sunil Kapoor, Advocate.

versus

STATE (N.C.T. OF DELHI) & ORS.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Priyanka, PS –
Shahdara.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

02.09.2025

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1. Petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 has been filed seeking setting aside or modification of the impugned order dated 05.05.2025 passed by the learned Family Court.
2. Briefly stated in the petition, the facts of the present case are that the present petition is being preferred under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 against the impugned ad-interim maintenance order dated 05.05.2025, whereby the Learned Principal Judge, Family Court-03, Shahdara, Delhi in Mt. Case No. 146/2025 was pleased to grant *ad-interim* maintenance of Rs.6,000/- per month in favour of the minor daughter (Respondent No. 3), payable by the petitioner from the date of filing of the main petition.



3. Learned counsel for the applicant would argue on lines of grounds taken in the petition *inter alia* urging as below:-

3.1 That the impugned order was passed on the first date of effective hearing, post service, without affording the petitioner an opportunity to file his reply or place necessary factual and financial objections on record. The said order has thus caused grave prejudice to the petitioner and is in violation of principles of natural justice.

3.2 That the petitioner had appeared virtually on the said date and was represented by newly engaged counsel. The learned counsel for the petitioner sought a short adjournment to place reply and material facts on record.

3.3 That the Petitioner is financially constrained and presently earns a modest monthly income of Rs. 16,000/- with essential monthly expenses of almost Rs. 13,000/-.

3.4 That the direction to pay Rs. 6,000/- monthly under the above financial circumstances, without proper hearing or appreciation of documents, is arbitrary and unsustainable. Further, the petitioner also intended to raise material and bonafide doubts regarding the paternity of the minor child, which have a direct bearing on the issue of interim maintenance, and such contentions could not be brought to the attention of the learned Court.

3.5 That the impugned order has been passed prematurely and without a fair adjudication on facts and merits.

4. In the aforesaid backdrop, I have heard the learned counsel for the petitioner and perused the case file.

5. Vide the impugned order dated 05.05.2025, the Family Court granted



an amount of Rs. 6,000/- per month for the maintenance of the toddler daughter who was just 10 months old at the time of passing of the impugned order.

6. I find no grounds to interfere as I feel that only a very meagre maintenance has been awarded. In my opinion, same is though paltry but the wife is not challenging the same, certainly due to financial restraints.

7. I am of the view that the petition is totally ill conceived and the petitioner is being completely reckless and careless father and is not even willing to pay Rs. 6,000/- to his minor daughter and wife on the pretext that he is unable to earn.

8. I thus find no ground to interfere with the ad-interim order dated 05.05.2025. The impugned maintenance as awarded is a modest, protective allowance directed at meeting the child's immediate needs. The petition is, accordingly, dismissed.

9. However, this dismissal is without prejudice to the petitioner's right to contend before the Family Court, on the merits along with relevant evidence and proof qua his defence.

10. Likewise, the learned Family Court is at liberty to review the quantum of interim maintenance on appropriate application supported by evidence.

11. Pending applications shall also stand disposed of.

ARUN MONGA, J

SEPTEMBER 2, 2025/kd