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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 405/2025, CRL.M.A. 26394/2025**
& CRL.M.A. 26395/2025

SUSHIL KUMAR DHIMANPetitioner
Through: Mr. Pravesh Kumar &
Mr. Harcharan Singh,
Advs.

versus

SMT. SUSHILARespondent
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
03.09.2025

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1. The present petition is filed challenging the judgment dated 30.06.2025 (hereafter '**impugned judgment**'), in Mt No. 189/2021, whereby the learned Family Court directed the petitioner to pay maintenance to the respondent at the rate of ₹16,000/- per month from the date of filing the petition till March, 2022; at the rate of ₹18,000/- per month from April, 2022 till November, 2023; and at the rate of ₹20,000/- per month from December, 2023 onwards.

2. The petitioner is essentially aggrieved by the awarded maintenance amount being on the higher side. It is submitted that the petitioner has two children and a mother who are dependant on him. It is further submitted that in such circumstances, the maintenance amount awarded to the respondent to take care of herself only is exuberant.

3. At the outset, it is relevant to note that the petitioner was earlier working as a Sergeant in the Indian Air Force and is currently employed in a Nationalised Bank. The learned Family Court has assessed the total income of the petitioner by taking



account of the pension received by him as well as his salary. The petitioner is a government employee and his salary has increased on account of several parameters, due to which, the learned Family Court has awarded a gradual increase in the maintenance to the respondent.

4. It is pertinent to note that the petitioner has not disputed the assessment of his income in the present case, as per which, he was earning approximately ₹85,000/- per month between February, 2021 and March, 2022; approximately ₹91,000/- to ₹97,000/- from April, 2022 till November, 2023; and approximately ₹1,07,000/- to ₹1,28,000/- between December, 2023 and March, 2025.

5. As noted above, the petitioner's only grievance pertains to the quantum of the awarded maintenance in view of his dependants, including his children and mother. The learned Family Court has duly considered that the petitioner has the responsibility of his two kids from his previous marriage.

6. It is argued before this Court that the petitioner's mother is also dependant on him. Apart from a bald averment in this relation, no material is placed on record to endorse the submission that the petitioner is incurring any expenses on behalf of his ailing mother.

7. Even otherwise, in the case of **Annurita Vohra v. Sandeep Vohra : 2004 (74) DRJ 99**, a Coordinate Bench of this Court had devised a method for calculating maintenance and observed that the court should initially determine the net disposable income of the Husband or the primary earner within the family. It was noted that this collective income forms the Family Resource Cake, which is then distributed among the family members. It was further held that the allocation of this "cake" should align with



the financial needs of each family member, and an equitable approach would involve dividing the Family Resource Cake into two portions for the Husband, acknowledging his additional expenses incurred in earning, and one portion each for the other members.

8. If the said formula is applied to the facts of the present case, the income of the petitioner would be divided into six parts and the respondent would be entitled to one portion for maintenance. The awarded amount to the respondent is roughly in line with the share that she would be entitled to as per the *dictum* in the aforesaid case. It is settled law that maintenance is to not be a means of mere survival for the wife and the same must be sufficient so as to enable the wife to maintain a standard of living which is consistent with the status of family [Ref. ***Bhagwan Dutt v. Kamla Devi* : (1975) 2 SCC 386, *Shamima Farooqui v. Shahid Khan* : (2015) 5 SCC 705, etc]. In the opinion of this Court, the computed quantum of maintenance is commensurate with the petitioner's income.**

9. The learned Family Court has observed that no material was brought on record to show that the respondent had any independent source of income. In such circumstances, the petitioner being an able bodied man is obligated to maintain the respondent.

10. In view of the above, I find no merit in the present petition and the same is, accordingly, dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 3, 2025/“SS”