2025:DHC:10637

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

% *Judgment reserved on: 10.11.2025*
*Judgment pronounced on: 28.11.2025*
*Judgment uploaded on: 03.12.2025*

\+ **CRL.REV.P.(MAT.) 87/2024**

MANJU & ANR. .....Petitioners

Through: Ms. Sangeeta Chandra and Mr. Deepak Khadaria, Advocates

versus

KRISHAN KUMAR .....Respondent

Through: Mr. Inder Singh, Advocate

**CORAM:**
**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**JUDGMENT**

**DR. SWARANA KANTA SHARMA, J**

1. The petitioners, by way of this revision petition, seek enhancement of the amount of interim maintenance awarded to them by the learned Judge, Family Court, Saket Court, New Delhi [hereafter '*Family Court*'] *vide* order dated 22.07.2024 [hereafter '*impugned order*'] passed in MT No. 439/2023.

2. Briefly stated, the facts of the present case are that the marriage between the parties was solemnized on 02.05.2022 according to Hindu rites and ceremonies at Himachal Pradesh. Owing to matrimonial discord, the parties started residing separately with

effect from 22.04.2023. Thereafter, petitioner no. 1–wife filed a petition under Section 125 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] against the respondent–husband on 25.09.2023. As noted in the impugned order, at the time of filing the said petition, petitioner no. 1 was in an advanced stage of pregnancy, and she subsequently delivered a male child (petitioner no. 2 herein) on 03.11.2023, who has since been in her care and custody. Petitioner no. 1 had, *inter alia*, claimed maintenance of ₹22,000/- per month from the respondent. Both parties had filed their respective affidavits of income, assets and liabilities.

3. The learned Family Court, *vide* the impugned order, awarded interim maintenance of ₹12,800/- per month (i.e. ₹6,400/- to each petitioner), after assessing the income of the respondent-husband as ₹32,350/-. The relevant portion of the impugned order reads as under:

> "9. The petitioner no. I has claimed that she could not continue with her work of typist with effect from September, 2023 due the advance stage of pregnancy and that after the birth of the minor child, she cannot work as there is nobody to look after the infant child. Though the counsel for the respondent has contended that the petitioner no. 1 continues to be gainfully employed with the same lawyer but a perusal of the copy of the bank statement of the petitioner no.l shows tha~ there is no credit entry in her account after July 2023. The fact that the petitioner no.2 was born on 03.11.2023 is not in dispute. Considering the same, the assertion of the petitioner no.l that she has no source of income deserves to be accepted at this stage. In order to meet their expenses, the petitioners are entitled to be maintained by the respondent.
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> 10. Qua the income of the respondent, it is an admitted fact that he is employed as Senior Associate with M/s Innovatiview India Pvt. Ltd. Noida. From the salary slips for the months of October 2023 to December 2023 produced on record by the

respondent, it is seen that he is drawing a net salary of Rs. 32,350/- per month. The counsel for the respondent has contended that apart from the petitioners, the respondent has the liability to maintain his old widow mother and to aiTange for customary gifts on festivals and other occasions for his married sisters. He has submitted that the respondent is also paying a rent of Rs. 6,000/- per month and is left with no money to provide to the petitioner no.l to run a separate house. The fact that the respondent is the only son has not been disputed by the petitioners. Thus, his liability to maintain his mother cannot be denied. However, his moral obligations towards his mcUTied sisters cannot take precedence over his statutory liability towards the petitioners. Hence, no concession on account of rent and gifts for married sisters can be given to him.

11. In *Annurita Vohra Vs. Sandeep Vohra, 110 (2004) DLT 546*, it has been held by the Hon'ble Delhi High Court that the family income should be divided equally between all the family members entitled to maintenance with one extra share being allotted to the earning spouse since extra expenses would necessarily occur.

12. Applying the above principal and considering the status of the parties, earnings of the respondent and his liabilities, the respondent is directed to pay an amount of Rs. 12,800/- per month (Rs. 6400/- each) to the petitioners towards their interim maintenance from the date of filing of the application till the final disposal of the case. The respondent shall clear the an-ears of interim maintenance within three months from today and shall pay interim maintenance at the above said rate from the date of order by 7th of each English calendar month. It is made clear that any amount paid by the respondent to the petitioners towards their maintenance under the order of any other Court shall be adjustable. The petitioners shall also be entitled to lump sum amount of Rs.11,000/- towards litigation expenses."

4. The learned counsel appearing for the petitioners contends that, as per the respondent's own Affidavit of Income and Assets, he had disclosed a salary of about ₹33,000/- per month along with incentives and perks for the period October to December 2023, credited to his

YES Bank account. It is submitted that the respondent has no other financial liability except towards his mother, to whom he claims to be sending ₹5,000/- per month. However, the respondent has concealed the fact that his mother is already receiving pension under a local Government widow pension scheme. It is further contended that the bank statements filed by the respondent reveal that, apart from the salary credited to his YES Bank account, he has also been receiving additional monthly amounts ranging between ₹18,000/- and ₹22,000/- in his ICICI Bank account under the caption "Salary", along with regular monthly incentives. The salary amounts are received in two separate bank accounts – one at the beginning of the month and another in the middle – clearly indicating that the respondent has been earning not less than ₹55,000/- per month since at least March 2022. It is also stated that even assuming, though not admitting, that the respondent was earning only ₹33,000/- per month in late 2023, his income must have reasonably increased by now, and he should presently be earning around ₹45,000/- per month. The learned counsel further submits that petitioner no. 1 was compelled to leave the matrimonial home in April 2023 when she was pregnant and has since been residing in a rented accommodation at ₹8,000/- per month, exclusive of electricity and water charges. Owing to her advanced pregnancy, she had to discontinue her employment in September 2023, and after the birth of the child on 03.11.2023, having no support to care for the infant, she has been unable to resume work. In the absence of any financial support from the respondent, she has been surviving solely on her limited savings. It is lastly contended that the respondent has not been paying even the interim maintenance awarded by the Family Court, making it extremely difficult for the petitioners to meet basic household expenses and to look after the minor child. It is therefore prayed that the present petition be allowed.

5. The learned counsel appearing for the respondent contends that it is an admitted position, as reflected from the salary slips placed on record before the learned Family Court, that the respondent is earning only ₹32,500/- per month. It is submitted that apart from the petitioners, the respondent also has a clear legal and moral obligation to maintain his aged mother, who resides in Himachal Pradesh. It is further contended that petitioner no. 1, Ms. Manju, is employed with Sh. Deepak Khadaria, Advocate, who is also representing her before the learned Family Court as well as before this Court, and she is earning a salary of ₹18,000/- per month. It is argued that the petitioner no. 1 had left the matrimonial home on her own accord, without any fault attributable to the respondent, and being a salaried person earning a "handsome amount," her income has not been duly considered by the learned Family Court while granting interim maintenance. The learned counsel submits that although the respondent is aggrieved by the impugned order dated 22.07.2024, he could not file a revision petition due to severe financial hardship, unlike petitioner no. 1, who, being employed with an advocate, is allegedly pursuing frivolous litigation only to harass the respondent.

It is also argued that the petitioners are deliberately misinterpreting the entries in his bank account statements. It is stated that several deposits in the bank account pertain not to him but to his brother-in-law, Sh. Sunil Kumar, who works in the same company where the respondent was earlier employed. Many of the entries relate to the salary and other expenditures of Sh. Sunil Kumar, which was later transferred to his account. It is argued that these allegations raise disputed questions of fact that cannot be adjudicated at the interim stage without proper evidence from both sides. It is therefore prayed that the present petition be dismissed.

6. This Court has **heard** arguments addressed on behalf of the petitioners as well as the respondent, and has perused the material available on record.

7. After hearing the learned counsel for the parties and perusing the record, this Court is of the view that the petitioners have sought enhancement of the interim maintenance primarily on the ground that although the respondent admits to earning about ₹33,000/- per month along with incentives, his bank statements however reveal additional monthly credits in his ICICI Bank account under the caption "Salary" as Annexure P-11, i.e. the statement of the said ICICI Bank account, reflects regular credits of ₹18,000/- to ₹22,000/- per month, in addition to the salary credited to the respondent in the YES Bank account, which indicates a higher monthly income – which the learned Family Court did not take into account while assessing

interim maintenance.

8. Conversely, the learned counsel for the respondent contends that the respondent's actual net salary is only ₹32,500/- as reflected in the salary slips filed before the learned Family Court, and that the entries relied upon from the ICICI Bank account pertain not to the respondent but to his brother-in-law, Sh. Sunil Kumar, who was working in the same company at the relevant time. It is urged that the said entries relate to transactions undertaken on behalf of Sh. Sunil Kumar and were subsequently transferred to his account, and therefore ought not to have been treated as income of the respondent.

9. This Court notes that Annexure P-11, which was also part of the record before the learned Family Court, reflects several credit entries in the respondent's ICICI Bank account described as salary, including credits of ₹90,000/- in September, 2022, ₹40,000/- as bonus for March, 2022 (received in September 2022), and multiple monthly salary credits ranging from ₹17,605/- to ₹18,240/-, among others. These entries *prima facie* indicate regular salary and incentive payments. It is apparent from the perusal of impugned order that the learned Family Court did not advert to these credit entries while assessing the respondent's income for the purpose of interim maintenance, although they were material to determining his actual earning capacity.

10. The contention of the learned counsel for the respondent that the credit entries made in this ICICI Bank account pertain to his

brother-in-law is, *prima facie*, untenable at this stage. Concededly, the said bank account is registered the name of the respondent himself. Further, as a matter of ordinary practice, an employer credits salary and bonus only into the bank account of the employee concerned, the details of which are furnished by the employee at the time of joining. Moreover, the entries relied upon by the respondent show only debit transfers made to Sh. Sunil Kumar and not salary credits in his favour. The respondent has also not placed any document on record, nor provided even minimal particulars, to show where he and his brother-in-law were employed together, or to explain why amounts purportedly belonging to the brother-in-law would have been credited to the respondent's bank account. In the absence of any such material, this Court finds no basis to accept the respondent's explanation at this stage.

11. In view of the above discussion, and considering that the learned Family Court did not adequately examine the entries in the ICICI Bank account showing additional salary credits, bonus payments and other incentives, this Court is of the opinion that the application for grant of interim maintenance requires fresh adjudication by the learned Family Court.

12. In the totality of circumstances, and in order to balance the equities till the application for interim maintenance is adjudicated afresh, this Court deems it appropriate to enhance the amount of interim maintenance; and the respondent is directed to pay a sum of

₹15,000/- per month to the petitioners, in place of ₹12,800/- per month, till the application for grant of interim maintenance is decided afresh by the Family Court.

13. The matter is accordingly remanded back to the learned Family Court for deciding afresh the application for interim maintenance, within two months from the date of receipt of this order.

14. It is however clarified that the observations made hereinabove are solely for the purpose of deciding present petition concerned with the issue of interim maintenance, and the same shall not tantamount to this Court's expression of opinion on the merits of the case.

15. In above terms, the present revision petition is disposed of.

16. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**NOVEMBER 28, 2025/ns**