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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 491/2025, CRL.M.A. 33129/2025**
DR. MEENAL PANDEY Petitioner

Through: Mr. Pankaj Paliwal, Advocate.

versus

SH ASHU RAWATRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
11.11.2025

1. The Petitioner (wife) married the Respondent (husband) on 19th November, 2018 as per Hindu rites and customs. Owing to temperamental differences and marital discord, the parties separated. They have no children. The Petitioner thereafter instituted proceedings under DV Act seeking, *inter alia*, interim maintenance.
2. Considering the Petitioner's request for interim maintenance, the Trial Court, by order dated 7th June, 2023, awarded her restricted interim maintenance of INR 20,000/- per month for the period November 2019 to February 2020, which reads as under:

"At this stage, allegations and counter allegations of the parties cannot be decided as the same are subject matter of trial and shall be decided on merits after recording evidence. At this stage of deciding the interim application only a prima facie view is to be taken.

The purpose of providing maintenance is to avoid destitution and to avoid vagrancy in society and has a social purpose. The petitioner being the legally wedded wife of the R1 who is unemployed and unable



to maintain herself, is entitled to be maintained by R1.

*On perusal of file, it can be seen that petitioner is earning Rs. 48,000/- per month which has increased to Rs. 50,000/- per month from the Employees' State Insurance Corporation, Hospital on contractual basis from 17.03.2020 which was extended by a notification of the ESIC on 28.01.2021 for one year and is continuing. The same information is already on record as petitioner has filed her income affidavit as per the latest judgment of Hon'ble Supreme Court of India titled as **Rajnesh vs Neha & Ors (Crl. Appeal No. 730 of 2020) in SLP (CRL) No. 9503 of 2018 decided on 04.11.2020**. Petitioner is highly educated person having degree of BHMS-MD and is also working as a doctor in ESIC. There is no child out of marriage. However, petitioner started earning from March, 2020 as per the records. Hence, restricted maintenance of Rs. 20,000/- per month from November, 2019 to February, 2023 which adds up to Rs. 80,000/- is granted to petitioner. Respondent no. 1 is directed to clear the said payment within three months from the date of the order. The above said interim maintenance amount shall be adjustable to the amount, if any, the petitioner is getting towards maintenance from the respondent no 1 from any other proceedings.*

The observation made in the order shall not tantamount to any findings on merits of this case.

Copy of order be given dasti if requested.

Needless to say that parties are at liberty to move an appropriate application for modification etc. of this order consequent upon the change in the circumstances as per the relevant provisions of law.

Although some other reliefs are also claimed in the said application, the same are not pressed.

Accordingly, the application stands disposed of.

Petitioner is directed to file evidence affidavit before NDOH with advance copy to other side.

Put up on 30.11.2023 for PE."

3. The Petitioner preferred an appeal against the said order which has been decided by impugned judgment dated 29th August, 2025, dismissing the appeal and upholding the interim order. Relevant extracts from the judgement read as follows:

6.4 To sum up Domestic Violence Act basically provides that the monetary relief must be adequate, fair, reasonable and consistent with that of the standard of living to which the aggrieved women was accustomed. Time and again, Hon'ble Superior Courts have observed that it is the common tendency in the matrimonial disputes that husband usually hide his income while, the wife shows the income of husband on the higher side than



the income shown/accepted by the husband. A balance approach, which includes the weighing of respondent's capacity and applicant's needs must be adopted. Reliance is placed upon the judgment M. V. Leelavathi v. Dr. C.R.Swamy @Dr. Cr. Kumara Swamy Civil Appeal No. 2250/2023 decided on 18.08.2025. Doubtless that just because the petitioner wife is capable of earning or even when she is actually earning is not a sufficient ground to completely deny her maintenance, instead, it should be seen that wife is earning sufficient to enable her to maintain herself in accordance with the life style of the husband in her matrimonial house. Adverting to the facts of the present case, there is no child born out of wedlock as such petitioner's wife has no liabilities except to maintain herself. Admittedly, she is receiving the consolidated amount of Rs. 50,000/- per month being the Medical Officer in ESIC Hospital, Manesar. As according to the income affidavit filed by the petitioner wife, her general monthly expenses which includes the rent, household expenses, medical bills, transportation et cetera is Rs. 40,210/-. Petitioner/appellant has miserably failed to file any relevant document elucidating her alleged further expenditure for the relevant period of time even for the purpose of prima facie consideration. Still, learned Trial Court seems to have very well considered the income affidavits filed by the contesting party and only thereafter granted/awarded the maintenance to petitioner/appellant wife. Documents viz. Bank statement showing allegedly showing higher entries seems more reasonably to be understood on the touchstone of evidence. Alongwith, it is not out of place here to mention as per the order, dated 03.11.2023, petitioner wife had started receiving an amount of Rs. 50,000/- per month from the respondent husband from the date of filing of the application under section 24 of Hindu Marriage Act. As according to the written submissions filed on behalf of the petitioner's wife itself she had till date received an amount of Rs. 11 Lacs from the respondent husband. Therefore, in the overall circumstances, the interim maintenance calculated/granted by the Learned Trial Court seems not to be unreasonable. Though, the petitioner wife is entitled to lead any further evidence as and when the stage comes with respect to the alleged facts raised by her qua the inadequacy of maintenance amount at a particular period of time. Thus, as such at this stage, court can't adjudicate upon the conflicting facts which must necessarily be decided after evidence being led by the parties before the learned Trial Court. Reliance is placed upon the judgments tilted as Nidhi Sudan v. Manish Kumar Khanna, 2023 SCC OnLine Del 7652 and Kanupriya Sharma v. State, 2019 SCC OnLine Del 8816.

6.5 *In view of discussion made herein above, I do not find any merit in the present appeal. There is nothing on record, which demand interference in the impugned order. Present appeal is accordingly dismissed. Nothing stated herein shall tantamount to expression of opinion on merits of the case.*

6.6 *TCR alongwith the copy of this order be sent to the Court*



concerned. The appeal file be consigned to Record Room after due compliance.

Announced in the open court on this 29th Day of August, 2025.

4. Aggrieved, the Petitioner has now filed the instant petition invoking inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.¹
5. Counsel for the Petitioner submits that the courts below erred in observing that since the Petitioner is earning, she is disentitled to maintenance. He relies upon the decision of the Supreme Court in **Rajnesh v. Neha & Anr.**² to contend that mere employment or modest income cannot bar a claim for maintenance where such income is insufficient for sustenance. It is further argued that the finding that the Petitioner is “earning” is perverse and unsupported by evidence. Respondent’s duty to maintain the Petitioner is absolute and maintenance cannot be denied merely because the Petitioner has some income.
6. The Court has considered the aforementioned facts and submissions. The challenge is directed against an interim order, and therefore the scope of interference at this stage is limited bearing in mind that interim maintenance is fixed on a *prima facie* assessment of the material on record and is always subject to modification upon full evaluation of evidence. Detailed fact-finding is neither warranted nor required at this stage. Considering the concurrent findings, interference can be justified only if the impugned orders suffer from perversity or patent illegality.
7. In this context, the broad parameters guiding determination of maintenance as elucidated in various precedents of the Supreme Court

¹ “BNSS”

² (2021) 2 SCC 324



would be applicable. In *Rajnesh v. Neha*, the Supreme Court observed that the object of interim maintenance is to ensure that a dependant spouse is not reduced to destitution during the pendency of proceedings. There is no straitjacket formula; the assessment turns on factors such as the parties' status, the applicant's reasonable needs, her qualifications, the nature and adequacy of her income, her ability to maintain a standard of living akin to the matrimonial home, and whether she has to forego employment opportunities for domestic responsibilities. These considerations provide the backdrop against which interim maintenance is assessed.

8. Against this backdrop, an examination of the impugned orders show that both courts below have applied the above principles in a balanced and reasonable manner. The Petitioner's income affidavit reflects that she earns a consolidated sum of INR 50,000/- per month as a Medical Officer at ESIC Hospital, Manesar, and her disclosed monthly expenditure of INR 40,210/- indicates that she is able to meet her essential needs. Her earning capacity, present employment, and absence of dependants were all duly noted. In these circumstances, the interim maintenance awarded for the period during which she was not earning cannot be termed arbitrary or perverse. The approach adopted by the courts below is consistent with the scope of proceedings.

9. It is further noteworthy that pursuant to the order dated 3rd November, 2023 passed under Section 24 of the Hindu Marriage Act, 1955, the Petitioner is receiving an additional INR 50,000/- per month from the Respondent. She has already received approximately INR 11 lakhs in terms of the order. In this factual backdrop, no interference is warranted with respect to the interim maintenance fixed under the DV Act, which, as noted



earlier, is tentative.

10. The Petitioner is at liberty to lead evidence during the course of trial to establish that the maintenance awarded is insufficient to meet her needs. No case for interference is made out.

11. Dismissed along with pending application.

SANJEEV NARULA, J

NOVEMBER 11, 2025

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