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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 492/2025, CRL.M.A. 33330-33332/2025**
SUMIT SINGHPetitioner

Through: Mr. Lac Pariksha (DHCLSC),
Advocate with Petitioner (through
VC).

versus

SMT. PREETI KASHYAPRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
12.11.2025

1. The present revision petition under Sections 438, 439 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023,¹ is directed against order dated 18th July, 2025, passed by the Family Court in Mt. Case No. 273/2023 titled ***“Preeti Kashyap v. Sumit Guleria”***. By the said order, the Family Court has awarded monthly interim maintenance of ₹9,000/- to the Respondent.
2. The Petitioner (husband) married the Respondent (wife) on 7th December, 2020 as per Hindu rites and ceremonies. Parties have no child from this marriage. Following marital discord, the parties have been living separately.
3. The Respondent instituted a petition under Section 125 of Cr.P.C. seeking maintenance for herself, along with an application for interim maintenance. On consideration of the pleadings and the income and



expenditure affidavits filed by the parties, the Family Court awarded interim maintenance of ₹9,000/- per month in favour of the Respondent.

Relevant findings of the Family Court are as follows:

“6. I have considered the submissions from both the sides alongwith record.

7. Admittedly, both the parties got married on 07.12.2020 and they were residing separately since the year 2021. There is no dispute to the fact that no child was born out of said wedlock.

8. On the aspect of criteria for determining quantum of maintenance, it has been held by Hon'ble Apex Court in **Rajnesh Vs. Neha & Anr. Crl. Appeal No. 730/2020 as under:-**

“The objective of granting interim/ permanent alimony is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

The factors which would weigh with the Court inter alia are the status of the parties; reasonable needs of the wife and dependant children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child, rearing and looking after adult members of the family; reasonable costs of litigation for a non-working wife.”

9. As per income affidavit dated 25.11.2024 filed on behalf of petitioner, she had done MA and was incurring monthly expenses to the tune of Rs. 20,000/- (approx). She has failed to provide the breakup thereof. It has been mentioned that she was residing at her parental home i.e., House No. JE-1/1, First Floor, Tikona Park, Malviya Nagar, Khirki Extn., Delhi-110017. It has been mentioned that she was unemployed. Regarding the respondent, it has been mentioned that he was working in KK Roller Flour Mills at Jammu & Kashmir and was also doing another job at Softgrip Power Solution in Jammu. It has been mentioned that he was earning around Rs. 50,000/- per month from both

¹ “BNSS”



the companies. It has also been mentioned that he was earning a sum of Rs. 25,000/- to Rs. 30,000/- per month as rent from the property/plot situated at Village Kulara, District Kangra, Himachal Pradesh.

10. *As per income affidavit dated 24.05.2024 filed on behalf of respondents he was 12th pass. He has mentioned his monthly expenses as Rs. 12,000/- to Rs. 15,000/-. He has shown his parents as his dependents on whom he was spending a sum of Rs. 1,000/-. He has mentioned that he was working at K.K. Roller Flour Mills, Jammu as Assistant Dispatcher and was earning Rs. 15,000/- per month. Regarding the respondent, it has been mentioned that she was working at the time of marriage but he was not sure about her current employment status. It has also been mentioned that she was living in her own accommodation.*

11. *Perusal of the bank account statements filed on behalf of petitioner shows that there are several deposit/credit entries at regular intervals in her account pertaining to SBI, PNB and Union Bank of India. For instance, a sum of Rs. 16,060.36/- was credited in her SBI account on 02.01.2023. Similarly, a sum of Rs. 12,000/- was deposited in her account on 16.04.2023. A sum of Rs. 75,000/- in total (by way of 3 transactions of Rs. 25,000/- each) was transferred in her PNB account on 01.05.2023 through UPI. Another sum of Rs. 24,000/- was so transferred in that account on 03.05.2023 whereas a sum of Rs. 17,000/- was transferred on 09.05.2023. As far as bank account pertaining to Union Bank of India is concerned, a sum of Rs. 25,000/- was transferred in that account on 30.04.2023 through UPI. Petitioner has failed to offer any explanation regarding the source of these entries in her account. Similarly, though the respondent has mentioned in his income affidavit that he was getting salary of Rs. 16,000/- per month only however, perusal of his bank account statement shows that he had received a sum of Rs. 25,867/- as salary 06.01.2024 for the month of December 2023. Apart from that, in his account also there are several deposit entries. For instance, a sum of Rs. 10,832/- was deposited in his account on 02.01.2024. Another sum of Rs. 5,000/- was so deposited in his account on 04.01.2024. Further, a sum of Rs. 14,000/- was deposited in his account on 08.01.2024 alongwith another sum of Rs. 3,350/- on 09.01.2024 and Rs. 6,000/- on 12.01.2024. He too has not offered any explanation regarding these deposit entries. Explanation from both the parties regarding those entries should come on record during evidence to be led by them.*

12. *As mentioned earlier, petitioner has stated that she was not gainfully employed which has not been contested by the respondent at this stage and it has been submitted on his behalf that her current employment status was not known to him but admittedly, she was working at the time of marriage. Though, it has been submitted by Ld. Counsel for respondent that petitioner was qualified enough to have a job however, it is to be noted that having qualification for a job and*



actually having a job in pursuance to that are two different things. Whether the petitioner was deliberately unemployed is something which can be appreciated during trial only.

13. *Considering the above discussion, it can be safely said that, the respondent must be earning at least a sum of Rs. 30,000/- per month in view of his salary for the month of December, 2023 and his bank account statement showing other deposit entries. Though the respondent has mentioned that his parents were dependent on him however, the fact that only a sum of Rs. 1,000/- per month was being spent on them, they might not be actually dependent on him.*

14. *Applying the principle of apportionment as per the judgment of Hon'ble Delhi High Court in **Annurita Vohra Vs. Sandeep Vohra, 110 (2004) DLT 546**, respondent is directed to pay a sum of Rs.9,000/- per month to the petitioner Preeti Kashyap as interim maintenance for her from the date of filing of application for interim maintenance till final disposal of the case. The amount already paid on account of ad-interim maintenance if any, be adjusted. Arrears be cleared within a period of 3 months. The payment for subsequent months be made by 10th of every month.*

15. *Application stands disposed of in above terms.*

16. *Put up for PE on 17.10.2025.*

17. ***Petitioner is directed to file evidence by way of affidavit of the witnesses alongwith list of witnesses within four weeks th advance copy to the other party.***

4. Aggrieved, the Petitioner has filed the present petition seeking setting aside of the impugned order. Mr. Lac Pariksha, counsel for the Petitioner, contends that the Family Court erred in awarding maintenance to the Respondent, without properly appreciating the financial capacity of the Petitioner. It is submitted that the Family Court failed to take into account that the Respondent is well-qualified, gainfully employable, and capable of maintaining herself. The Family Court overlooked material entries in the Respondent's bank accounts, for which no satisfactory explanation was furnished. It is also argued that the Family Court did not afford the Petitioner an opportunity to file an amended income and asset affidavit reflecting his current financial position. On these grounds, it is contended that the impugned order is liable to be set aside.



5. The Court has considered the submissions advanced by the parties and perused the impugned order. The Family Court adopted a reasoned and balanced approach in determining interim maintenance, having regard to the income affidavits filed by the parties: the Respondent is admittedly unemployed, whereas the Petitioner is gainfully employed and drawing a salary of ₹25,867/- as of December 2023. Although the Petitioner, in his income affidavit, claimed his monthly income to be ₹15,000/-, the Family Court, on the basis of his bank statement, concluded that his actual income was higher. The Court took note of several unexplained deposit entries in the bank accounts of both parties. On a cumulative assessment of these factors, the Petitioner's income was reasonably estimated at approximately ₹30,000/- per month.

6. In such circumstances, the approach adopted by the Family Court, in granting interim maintenance of ₹9,000/-, accords with established legal principles governing determination of interim maintenance. Where income is not fully disclosed or documentary proof is incomplete, courts are not expected to adopt a pedantic method, but may apply reasonable inference based on the overall standard of living, lifestyle, and surrounding circumstances of the parties.² The underlying rationale is that where direct proof of income is unavailable, judicial estimation becomes necessary.

7. The contention that the Respondent is well-qualified and capable of employment, and therefore disentitled to maintenance, does not merit acceptance at the interim stage. The judicial precedents hold that an able-bodied husband cannot evade his statutory duty to maintain his wife, merely on the ground of her potential employability or by taking plea of his own

² *Bharat Hegde v. Saroj Hegde* 2007 SCC OnLine 622; *Rajnesh v. Neha and Anr.* (2012) 2 SCC 324.



financial constraints.³ The obligation under Section 125 of Cr.P.C. is not contingent on the wife's employment status but on whether she has sufficient independent income to maintain herself.

8. The Family Court has relied upon the decision in *Annurita Vohra v. Sandeep Vohra*,⁴ wherein this Court laid down that maintenance should be fixed by equitable apportionment of the husband's income among all dependents, ensuring each member a fair share consistent with their needs and social position. The principle of proportional division rather than rigid percentage allocation ensures flexibility and fairness, reflecting both the economic realities of the parties and the welfare objective underlying Section 125 of Cr.P.C.

9. Viewed thus, the impugned order discloses no perversity or legal infirmity warranting interference under the limited revisional jurisdiction of this Court. It bears emphasizing that an order of interim maintenance is a provisional measure designed to safeguard basic sustenance during the pendency of proceedings. It neither determines the parties' ultimate rights nor precludes a fresh evaluation upon full evidence at the final stage.

10. In light of the foregoing, the petition stands dismissed.

SANJEEV NARULA, J

NOVEMBER 12, 2025

as

³ *Shamima Farooqui v. Shahid Khan* (2015) 5 SCC 705; *Anju Garg v. Deepak Kumar Garg* 2022 SCC OnLine SC 1314.

⁴ 2004 SCC OnLine Del 192.