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

+ CRL.REV.P.(MAT.) 516/2025, CRL.M.A. 35212-35213/2025,
CRL.M.A. 35228/2025

ANJUM KAUSAR AND ANR

.....Petitioners

Through: Mr. Mohd. Irfan, Advocate.

versus

AJAB ALAM ALIAS RIHAN

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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27.11.2025

1. The present revision petition seeks setting aside of order dated 2nd April, 2025 passed by the Family Court in MT No. 393/2021, titled "**Anjum Kausar & Anr. V. Ajab Alam @ Rihan**", awarding monthly interim maintenance of ₹5,000/- each to the Petitioners.
2. Petitioner No. 1 (wife) married the Respondent (husband) on 10th March, 2018 as per Hindu Rites and Customs. Parties have one child (Petitioner No. 2) from this marriage. Owing to matrimonial discord and temperamental differences, the parties separated. Petitioner No. 1 thereafter filed an application under Section 125 of the Code of Criminal Procedure, 1973,¹ seeking, *inter alia*, interim maintenance for herself and her minor daughter.
3. The Family Court, by the impugned order, allowed the Petitioners' request, directing the Respondent to pay a total maintenance of ₹10,000/-



per month (₹5,000/- to Petitioner No. 1/wife and ₹5,000/- to Petitioner No. 2/ daughter). Relevant portion of the order is extracted:

“11. The respondent/husband has stated in his income affidavit that he studied upto 10th class and working as a labourer under a carpenter on daily wages and his monthly income is Rs.7,084/-. On the other hand, the petitioner no.1/wife has stated that the respondent/husband is in the work of construction and fabrication of iron, steel and aluminium and also running junk food cornor. The respondent/husband is also doing acting and modeling, and earning about Rs.1,00,000/- per month from acting and modeling. The respondent/husband is also earning Rs.70,000/- per month from his food cornor, The respondent/husband is also having rental income about Rs.1,40,000/- per month. Thus, according to the petitioner no. 1/wife the respondent/husband is earning more than Rs.3 lakh per month but she has not filed any document to support of her claim that the respondent/husband is earning more than Rs.3 lakh per month. The petitioner no 1 wife has filed photocopy of electricity bill in the name of the respondent/husband qua property bearing no.C-159 4th Floor, Saheen Bagh, Abul Fazal Enclave, Part-2, Jamia Nagar, New Delhi dated 16.06.2023 and the charges electricity are Rs.1,200/-. On the basis of photocopy of electricity bill it cannot be presumed that the respondent/husband is owner of the property bearing no.C-159, 4th Floor, Saheen Bagh, Abul Fazal Enclave Part-2, Jamia Nagar, New Delhi.

12. It is has been observed in matrimonial cases the wire at the time of seeking maintenance generally exaggeratess the income of the husband, on the other hand, husband generally states his income at the lower side. Considering the education qualification of the respondent/husband, his family background and other relevant facts his income cannot be Rs.7,084/- per month. It is well settled law that in matrimonial cases when parties do not disclose then correct income the court can make some guess work to assess their income. In *Jayant Bhargava Vs. Priya Bhargava (2011) 181 DLT 602* it was held that where the parties do not disclose their true income the court can ascertain their income on the basis of their social, family and living standard and some guess work on the part of the court is permissible.

13. Considering the education, nature of work, family and social status of the respondent/husband the income the respondent/husband cannot be less Rs. 20,000/- per month. Hence, the income of the respondent/husband is assessed as Rs.20,000/- per month.

14. To calculate the maintenance amount which the petitioner is entitled to seek from the respondent, reliance has been placed upon *Anurita Vohra Vs. Sandeep Vohra, 110 (2004) DLT 456* where Hon'ble Delhi High Court has observed as under:-

¹ “Cr.P.C.”



“In my view, a satisfactory approach would be to divide the Family Resources cake in two portions to the husband since he has to incur extra expenses in the course of making his earning, and one share each to the other members.”

15. *The family of the respondent consists of the petitioner no.1/wife, petitioner no.2/daughter and he himself. Thus, there are three family members in the family of the respondent/husband. The respondent/husband being earning member is entitled to have double share of his income and other members have one share each. The income of the respondent/husband is Rs20.000/- per month. Each share comes to Rs.5,000/- (Rs.20,000/- divided by 4).*

16. *In view of the above discussions and considering, the educational qualification, income, family, social status of the parties and in the interest of justice, the respondent/husband is directed to give @ Rs.5,000/- per month to the petitioner no. 1/wife and Rs.5,000/- per month to the petitioner no. 1/wife and Rs.5,000/- per month to the petitioner no.2/daughter from the date of filing of the application for interim maintenance U/s 125 CrPC on 25.11.2021 till disposal of the petition. The respondent/husband is further directed to clear arrears within four months from today i.e. 02.04.2025 in four equal installments and to pay monthly maintenance of Rs. 10,000/- (Rs.5,000/- to the petitioner no.1/wife and Rs.5,000/- to the petitioner no.2/daughter) by way money order, demand draft or by depositing in the bank account of the petitioner no. 1/wife on or before 10th day each calendar month. If the respondent/husband is paying any other maintenance to the petitioners under the order of the other court the same shall be adjusted from the interim maintenance awarded today to the petitioners. It is made clear that as per the settled law the petitioners shall be entitled to receive the interim maintenance to the highest amount out of the various allowances, if any, awarded them by various courts.*

17. *So far as the application U/o XI Rule 1 CPC is concerned the petitioner no.1/wife is seeking the information about the property bearing no.C-159, Tayyab Lane, Near Tavyah Masjid, Shaheen Bagh, New Delhi but the petitioner no.1/wife has not put any document on record that the said property is owned by the respondent/husband and further the respondent/husband cannot be directed to provide the general details qua the property in question. However, the petitioner no.1/wife is free to lead her evidence during the trial to show the said property is owned by the respondent/husband or he is getting rent from the said property.*

18. *The application for interim maintenance U/s 125 CrP and application U/o XI Rule | CPC both filed on behalf of the petitioners are disposed off accordingly.*

19. *Nothing stated herein above shall tantamount to any expression on the merits of the case.”*

4. Aggrieved by the quantum of maintenance awarded, the Petitioners



have filed this petition seeking enhancement. Mr. Mohd. Irfan, counsel for the Petitioners, submits that the Family Court failed to appreciate the material placed on record and did not correctly assess the Respondent's financial capacity. It is contended the Respondent is engaged as a model and has tie-ups with various studios, generating an income of approximately ₹1,00,000/- per month; he also operates a food corner, earning around ₹70,000/- per month; and further derives an income of about ₹50,000/- per month from fabrication work related to iron, steel, wood, and aluminium in partnership with his brother-in-law. Additionally, he earns rental income from immovable properties. Despite this, the Respondent has shown his monthly income as only ₹7,084/-. It is argued that the Family Court instead of drawing an adverse inference against the Respondent, proceeded on mere conjecture and disregarded the evidence produced by the Petitioners. It is further submitted that the Family Court failed to consider that Petitioner No. 1 is solely responsible for bearing the expenses towards the education, nutrition, clothing, and healthcare of the minor daughter.

5. 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.

6. A perusal of the impugned order reveals that the Family Court adopted a reasoned and balanced approach in determining the interim maintenance, having regard to the income and expenses of the parties. Although the quantum of ₹10,000/- awarded as interim maintenance in



favour of the Petitioners may, at first glance, appear modest, a reading of the impugned order reveals that the determination was based on the material available on record. The Respondent-husband, who is educated up to Class X, stated that he worked as a carpenter on daily wages and disclosed his monthly income as ₹7,084/-. The Petitioner's assertion regarding the Respondent's income exceeding ₹3,00,000/- per month was not supported by any documentary evidence.

7. In such circumstances, the Family Court did not accept the version sought to be advanced by either party, and instead, assessed the Respondent's income at ₹20,000/- per month having regard to the Respondent's education, nature of work, and his social and familial background. Indeed, where income is not fully disclosed or documentary proof is incomplete, courts 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.

8. Further, the Family Court rightly relied upon the decision in *Annurita Vohra v. Sandeep Vohra*,³ 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. In light of these principles, the Family Court rightly

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

³ 2004 SCC OnLine Del 192.



awarded monthly interim maintenance of ₹5,000/- each in favour of the Petitioners.

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 consideration of the evidence adduced during trial.

10. For these reasons, the petition stands dismissed, along with all pending applications.

SANJEEV NARULA, J

NOVEMBER 27, 2025

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