$~45

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

\+ CRL.REV.P.(MAT.) 519/2025, CRL.M.A. 35397-35398/2025

SANDEEP SINGH BHATI .....Petitioner

Through: Mr. Shantwanu Singh, Ms. Pragya Singh and Mr. Akshay Singh, Advocates.

Versus

DR URVASHI TOMAR & ANR. .....Respondents

Through: Mr. C.S.S. Tomar and Mr. Yash Thakur, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **28.11.2025**

CRL.M.A. 35399/2025 (delay in refiling)

1. For the grounds and reasons stated in the application, the same is allowed and the delay of 15 days in refiling is condoned.

2. The application is disposed of.

CRL.REV.P.(MAT.) 519/2025

3. The petition is directed against the order dated 12th August, 2025 whereby the Family Court has fixed interim maintenance of INR 25,000/- per month in favour of Respondent No. 2 (the minor son of the parties).

4. The facts of the case are broadly undisputed. The Petitioner (husband) and Respondent No. 1 (wife) married on 10th March, 2016. From this marriage, Respondent No. 2, was born on 4th August, 2020 and is presently

aged five years. Owing to temperamental differences, and marital discord, the parties have been living separately since 2022. Respondent No. 2 remains in the custody and day-to-day care of Respondent No. 1.

5. Respondent No. 1 initiated proceedings under Section 125 the Code of Criminal Procedure, 1973[1] seeking maintenance for herself and the minor child, along with an application for interim maintenance. Both parties filed income and asset Affidavits. The Family Court, upon assessment of these affidavits, awarded interim maintenance of INR 25,000/- per month exclusively to Respondent No. 2. No interim maintenance was granted in favour of Respondent No. 1.

6. At the outset, counsel for the Petitioner submits that the Petitioner does not dispute his obligation to maintain his minor son and is willing to continue supporting him. However, he submits that the amount fixed by the Family Court is excessive, disproportionate to the actual needs of the child, and unsustainable given the Petitioner's financial capacity. It is submitted that the Petitioner earns INR 83,735/- per month, from which substantial amounts are deducted towards statutory deductions and EMIs, leaving him with limited disposable income. It is further argued that Respondent No. 1 is herself gainfully employed as an Assistant Professor, earning approximately INR 45,000/- per month, and therefore required to proportionately contribute to the upbringing of the child.

7. Heard. The declaration of the parties as per their respective incomes and affidavits, which has been taken note of the impugned order are extracted hereinbelow:

> *"18) In the present case as per the self-declaration of the parties in their*

[1] "Cr.P.C."

respective Income & Asset Affidavit:

As per AFFIDAVIT	Petitioner-Wife admitting	Respondent-husband admitting
Marriage & Separation dt.	10.03.2016 & 05.06.2022	10.03.2016 & 05.06.2022
Educational / Professional Qualification	M.Sc. Ph.D. – B.Ed.	Post Graduate (MBA)
Occupation	Guest Faculty on lecture-wise payment basis in Delhi University Hansraj College	Category Specialist with TATA Power
Admitted monthly income	Rs.45,000/- approx.. depending on the lectures assigned.	Rs.83,735/- per month
Stated monthly expenses	Self Rs.50,000/- per month	
Dependents & Expenditure	Minor son (P2) Rs.25,000/- per month. The father of the petitioner-wife is providing monetary help to the minor-son.	

Accommodation	Staying in rented accommodation	
Medical expenses	-----	------
ITR assesse		Yes. ITRs filed
Admitted assets	Joint-property after marriage of petitioner-wife and respondent-husband Flat No. H-502 Florida Society Sector-82 Faridabad. However, this property was sold by the respondent-husband in 2022. Jewelry is in the possession of the resp.	Sector-82 property but now it is sold out. All the jewelry in the possession of the petitioner-wife.
Bank Account	AXIS Bank Rajendar Nagar shows credit entries Apr. 2021 to Mar. 2024 ranging form Rs.14,273 to Rs.20,000/- to Rs.30,000/- to Rs.50,000/- to Rs.1,20,833/- to Rs.2,87,575/- to Rs.5,00,000/-	ICICI Bank of the respondent shows very high value of transactions and credits ranging from Rs.1.5 Lakh to Rs.2.5 Lakh to Rs.3 Lakh to Rs.4 Lakh to Rs.5 Lakh etc. to Rs.7.5 Lakh SBI bank A/C shows credit entries ranging from Rs.21,000/- to Rs.50,000/- Rs.60,000/- to Rs.70,000/- to

		Rs.80,000/- HDFC A/c shows deposit entries of the respondent ranging from Rs.56,972/- to Rs.65,000/- on regular basis. AXIS Bank credit entries show credit amounts ranging from Rs.5,210/- to Rs.20,000/- on regular basis.
Liability	-----	Loans – House Loan =Rs.31,000/- Car Loan=Rs.20,110/- Loan from brother-in-law =Rs.2 Lakh given to him at the monthly installment @ Rs.5,000/- per month.

19) The applicant-petitioner wife has categorically averred that the respondent-husband is not having dependents and that there are no other liabilities on him. As per the said averments the mother of the respondent-husband being a govt. servant is getting her salary of Rs.60,000/- per month and also receiving family pension of Rs. 12,000/-per month of respondent's father. The two sisters of the respondent-husband are already married. The applicant-wife has also annexed documents regarding the expenses of the child."

8. Respondent No. 2 is presently in a play school and his monthly school fees, inclusive of tuition and other activities, is approximately INR 5,000/-. It is noted that the impugned order is based on a *prima facie* assessment of the parties' affidavits and material on record and is, therefore, tentative and subject to variation upon appreciation of evidence at trial. Interim maintenance is intended to provide immediate, reasonable support and not to finally adjudicate the parties' rights.

9. In law, the primary responsibility to maintain a minor child rests on the father; however, it is equally settled that where the mother is also earning, both parents must contribute to the child's upkeep in proportion to their respective incomes and standard of living.[2] The quantum of maintenance must therefore balance the reasonable needs of the child with the paying capacity of the parties, having regard to their actual income, essential expenses, and liabilities.[3]

10. In the present case, the Petitioner earns INR 83,735/- per month, while Respondent No. 1 earns approximately INR 45,000/- per month. In these circumstances, directing the Petitioner alone to pay INR 25,000/- per month as interim maintenance for the child, when the demonstrated school expenses are only around INR 5,000/- per month, would be disproportionate. At the same time, the child is entitled to a standard of living consistent with the financial position of both parents, and the Petitioner must meet his fair share of that responsibility.

11. Balancing these considerations, and keeping in view the income and responsibilities of both parties, the Court considers it appropriate to moderately reduce the Petitioner's contribution towards interim maintenance to INR 18,500/- per month. At this stage, counsel for Respondent No. 2 submits that although the current school fee is around INR 5,000/-, the child is expected to join a regular school shortly, where expenses will likely increase. Should any such change in circumstances arise, it shall remain open to the Respondents to approach the Trial Court for modification of the

---

[2] ***Padmja Sharma v. Rantan Lal Sharma*** (2000) 4 SCC 266; ***Kandula Subramaniam v. Krishnakoli Datta*** (2016) SCC OnLine Del 4677.
[3] ***Kiran Jyot Maini v. Anish Pramod Patel*** 2024 INSC 530; ***Rajnesh v. Neha and Another***, (2021) 2 SCC 324.

maintenance, which shall be considered on its merits in accordance with law.

12. It is clarified that all rights and contentions of the parties are left open. The order passed is only for interim measure and the Trial Court shall adjudicate the petition on its own merits on the basis of the evidence that the parties would adduce during the course of trial.

13. With the above directions, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

NOVEMBER 28, 2025
nk