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

\+ CRL.REV.P.(MAT.) 555/2025, CRL.M.A. 36800/2025, CRL.M.A. 36801/2025 & CRL.M.A. 36802/2025

ARVIND SINGH CHAUHAN .....Petitioner

Through: Mr. Sunil Kumar Bhardwaj and Ms. Ananya Tiwari, Advs. along with revisionist through VC

versus

CHANCHAL & ANR .....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **10.12.2025**

1. This petition assails the judgment dated 30th July, 2025, passed by the Principal Judge, Family Court, Karkardooma Courts, Delhi in MT. No. 297/2021 titled as "***Chanchal & Anr. v. Arvind Singh Chauhan***" whereby on a petition filed by Respondent No. 1 under Section 125 of the Code of Criminal Procedure, 1973[1] a maintenance of INR 12,500/- has been awarded in favour of the child of the Petitioner.

2. The Petitioner (husband) got married to Respondent no. 1 (wife) on 4th February, 2018 as per Hindu rites and customs. From this marriage they have one child (Respondent no. 2) who is presently in the custody and care of Respondent no. 1. On account of marital discord and temperamental difference, the parties have separated and their litigations on going. Respondent No. 1 has instituted proceedings under Section 12 of the

[1] "CrPC"

Protection of Women from Domestic Violence Act, 2005,[2] as well as the present proceedings under Section 125 Cr.P.C., seeking maintenance for herself and the minor child.

3. On consideration of the affidavits of assets and liabilities, the oral evidence led by the parties, and the bank account statements placed on record, the Family Court concluded that Respondent No. 1 was not entitled to maintenance, having concealed her employment and income. However, having assessed the earning capacity of the Petitioner on the basis of the material available on record, maintenance of INR 12,500/- has been awarded in favour of Respondent no. 2. The said amount was directed to be adjustable against any maintenance paid or payable under other proceedings.

4. It is admitted that Respondent No. 2 is the minor child of the Petitioner. In that backdrop, the limited question that arises for consideration is whether the maintenance amount of INR 12,500/- per month is excessive or unreasonable having regard to the Petitioner's actual income and financial capacity.

5. Counsel for the Petitioner submits that the Petitioner is employed at IGI Airport and earns a modest salary in the range of INR 15,000/- to INR 18,000/- per month, as reflected in the salary slips placed on record. A substantial portion of the Petitioner's income is expended towards daily travel and conveyance, and that he is also responsible for the upkeep and medical expenses of his aged and ailing parents. It is argued that, in these circumstances, the award of INR 12,500/- per month towards maintenance of the minor child is disproportionately high and beyond the Petitioner's means, rendering the impugned order unreasonable. While asserting that the

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[2] "DV Act"

Petitioner does not shirk his responsibility towards his child, it is contended that Respondent No. 1, who has been found to be gainfully employed and earning approximately INR 20,000/- per month, ought to contribute proportionately towards the maintenance and welfare of the minor child.

6. The Court has considered the aforesaid facts and submissions. The Family Court has expressly declined to accept the Petitioner's projected income of INR 15,000/- to INR 18,000/- per month, and the reasons for such rejection are discernible from the impugned judgment, which reads as follows:

> ***9.17*** *The respondent in his income affidavit submitted that he is a BBA and has general expenses of Rs.15,000/- p.m. He stated himself to be residing with his parents and that his father is suffering from blood pressure and diabetes and is dependent upon him alongwith his mother. He further stated that he is working with a company, GAAR at IGI Airport as Sr. Executive and is getting a monthly salary of about Rs.20,000/-. It is further claimed that he had taken an education loan of Rs.1,64,000/- and also paying credit card loan @ Rs.5431/- p.m.*
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> ***9.18*** *Though the respondent has not placed on record any document regarding the said loans, however even otherwise, any EMI paid by him for the repayment of the said loan cannot be considered while deciding the quantum of maintenance for the wife. Reference can be made to a recent judgment of the Hon'ble High Court of Delhi in Subhash vs. Mamta @ Raksha MAT. APP. (F.C.) 195/2025 decided on 26.5.2025, wherein the Hon'ble Court held as under : -*
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> *"A person cannot wriggle out of his/her statutory liability to maintain his/her spouse and dependents by artificially reducing his/her disposable income through personal borrowings or long-term financial commitments undertaken unilaterally. Maintenance is not to be assessed based on the net income after such personal deductions, but rather on the "free income" that reflects the actual earning capacity and standard of living of the party concerned."*
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> ***9.19*** *Hence, the plea of the respondent that he had taken various loans and repaying them through EMIs can have no effect on the quantum of maintenance to be fixed by the Court.*

9.20 *As per record, the respondent is maintaining three bank accounts with Kotak Mahindra Bank Ltd., Canara Bank and Axis Bank Ltd. Apart from the salary which he had been receiving in the said accounts, there are several entries in all three accounts of substantial amount which he had been receiving but have not been accounted for. His pay slip on record for the month of December 2021 reflect that he had drawn a net salary of Rs.28,673/-. However, he failed to place on record his latest salary slip when he entered the witness box.*

9.21 *In the cross-examination he was confronted with the credit entries of substantial amount in his account to which he replied that the major entries other than his salary belong to his brother, mother and father and the same amount was transferred into their respective account on the next day and some amount was withdrawn from ATM. This deposition is not correct. For example, on 01.9.2023 he received Rs.25,000/- from his mother through UPI transfer but only a meagre amount was withdrawn till 04.9.2023 when Rs.22000/- were transferred to one Kishan Chandra. There are various such entries which are not being discussed for the sake of brevity. No reason has been assigned by the respondent as to why his parents used to deposit heavy amount in his account when he himself deposed that they both were having their independent accounts. He deposed that his mother was having two bank accounts.*

9.22 *The respondent also examined both his parents. His father-RW2 deposed that the amount transferred in the account of the respondent was so transferred by M/s Agile Cockpit Co. Gurugram, Haryana where he was working as a Driver. He further deposed that since he was not well qualified, the salary was transferred in the account of the respondent. This fact cannot be accepted. Even an illiterate person, if having a bank account, would receive salary only in his account from the employer. No limited company or even an individual would like to transfer the salary of its/his employee in the account of any other person. There is also no record of the said company of having transferred any amount in the account of the respondent. Apart from that, this witness has given a table of 14 entries alleged to be his salary. However, each entry is of a different amount ranging from Rs.7000/- to Rs.30,000/-. This again reflects that the witness has not deposed true facts, as salary cannot change every month.*

9.23 *It is also observed that apart from the said entries, various other heavy amounts have been received by the respondent. For example, he* *received Rs.47,564/- on 20.8.2019, Rs.20,580/- on 21.8.2019 and there are various entries of cash deposits as well which also remain unexplained. RW2 has also not placed any appointment letter or salary certificate to substantiate his deposition of working in the said company as a driver. Thus, his testimony is not worth credence.*

9.24 *Similarly, the mother of respondent/RW3 Smt. Sudha also deposed that she had also transferred various amount in the account of the respondent from 30.4.2019 to 31.12.2021, totalling Rs.1,07,000/-. She had never deposed the source of those payments as to from where she had received the said amount. In the cross-examination she deposed that she is an illiterate and a housewife, meaning thereby that she had no source of income. Still she is maintaining two bank accounts. She deposed that her younger son is working in New Zealand but could not say if he had knowledge of her bank accounts. Thus, she has also not made a true deposition.*

9.25 *It is the plea of the respondent that his younger brother is working in New Zealand and used to transfer some amount but those entries have not been explained nor have those transactions been specified. Thus, the respondent is also guilty of suppressing his actual income.*

9.26 *The Hon'ble Delhi High Court has observed that in matrimonial disputes, it is seen that parties often do not disclose their actual income to the court, purportedly to avoid the liability of maintenance. Thus, it is open for the Court to determine maintenance based on their status and lifestyle. Hon'ble Justice Purushaindra Kumar Kaurav observed as under : -*

"Even experience shows that actual income is normally not disclosed by the parties. Under such circumstances, it is always safe to come to a realistic conclusion considering the status of the parties and their lifestyle etc."

9.27 *As already observed, the last pay-slip of the respondent on record is of December 2021 where his net salary has been shown as Rs.28,673/-. The salary must have increased by now. Similarly, the other credit entries referred to above in the accounts of the respondent, reflect that he has other sources of income and therefore, it would not be unfair to assess his monthly income to be Rs.40,000/- from all sources. Though he has submitted that his both parents are dependent upon him but his father himself deposed that he had worked as Driver but has not stated if he is still working. Similarly, the mother of respondent also could not* *explain the source of the various amounts transferred by her in the account of the respondent. It has also come on record that the younger brother of the respondent is working in New Zealand and had been transferring various amounts to the parents of the respondent. Thus, the parents of the respondent cannot be said to be solely dependent upon him.*

9.28 *It has already been observed that the petitioner has been found to be gainfully employed and earning about Rs.20,000/- p.m. Considering the fact that she has concealed his employment and income, she is not entitled for maintenance. However, the child of the parties, who is still a minor, is entitled for maintenance.*

9.29 *This issue is accordingly decided in favour of the petitioners.*

ISSUE No. 2/Relief :

10. *In Annurita Vohra Vs. Sandeep Vohra, 2004 SCC Online Del. 192, it was held that :*

"On having arrived at net disposable income of the respondent being the dominant earning spouse, it will have to be distributed amongst the dependent members of family in consonance with the requirements of the family members which is exactly what happens when the spouses are one homogeneous unit. As the wife is entitled to live in a manner commensurate with her husband's status or similar to the lifestyle enjoyed by her before the marital severance, a satisfactory approach would be to divide the net disposable income/family resource 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."

(Relied upon in Bhaskar Singha Vs. Monika, Crl. Rev. No. 306/2021, decided by Hon'ble High Court of Delhi on 24.09.2021).

10.1 *Thus, the net income of the respondent is to be distributed in accordance with the ratio in the said case. In the above background, the monthly income of respondent of Rs.40,000/- is therefore, to be distributed by giving two portions to him and one portion to petitioner No. 2 i.e., Rs.12,500/-.*

10.2 *Accordingly, a maintenance @* ***Rs.12,500/- (Rupees Twelve Thousand & Five Hundred only)*** *per month, is awarded to petitioner No. 2 to be paid by the respondent, from the date of petition i.e.07.9.2021 till she is legally entitled.*

The litigation expenses of Rs.10,000/- inclusive of the expenses incurred for Special Travel Arrangement of petitioner for conducting this case are also awarded.

Needless is to observe that any amount paid by the respondent to the petitioner by way of maintenance in any other case/proceedings and already paid by him in the present proceedings, shall stand adjusted against the amount accrued under this order."

7. A perusal of the impugned judgment shows that the Family Court has returned clear and reasoned findings on the Petitioner's income. The projected salary of INR 15,000/- to INR 18,000/- per month was not accepted, as the material on record revealed unexplained and substantial credit entries across multiple bank accounts, inconsistencies in the Petitioner's testimony, and a failure to satisfactorily explain the source of such funds. The conclusion that the Petitioner had suppressed his actual income is thus founded on evidence and does not suffer from arbitrariness or perversity.

8. The approach adopted by the Family Court is consistent with settled law. Where a Court finds that a party has not made a full and truthful disclosure of income, the Court is entitled, and often compelled, to make a reasonable assessment of earning capacity on the basis of surrounding circumstances, lifestyle, bank transactions and overall financial conduct.[3] In the present case, the Family Court relied on objective indicators, including the pattern of bank transactions and the last admitted payslip of December 2021, and, taking into account the passage of time and the reasonable progression of income, arrived at a realistic assessment of the Petitioner's income at INR 40,000/- per month. Such an exercise is neither speculative nor impermissible, particularly in maintenance proceedings where strict

[3] ***Rajnesh v. Neha*** (2021) 2 SCC 324; ***Bharat Hegde v. Saroj Hegde*** 2007 SCC OnLine Del 622.

proof of income is often unavailable.

9. The contention that the Petitioner's liability to pay EMIs, travel expenses or other personal expenditures should dilute or negate his obligation to maintain his minor child is equally untenable. It is trite law that a parent cannot avoid or reduce his statutory obligation to maintain his child by relying upon self-incurred financial commitments.[4] The obligation of a husband to maintain his minor child stands on a higher footing and cannot be diluted by pleas of personal financial constraints or liabilities.[5] The Family Court was therefore justified in holding that EMIs and other discretionary expenses could not override the Petitioner's primary obligation towards his child.

10. Equally, the mere fact that Respondent No. 1 is earning does not absolve the Petitioner of his independent obligation to maintain the minor child.[6] The responsibility of parents to maintain their child is joint, though not mutually exclusive, and the mother's earning capacity does not dilute the father's duty. This assumes greater significance where the mother has custody of the child and, by that very fact, bears the day-to-day expenses and responsibilities of care. The impugned order does not proceed on the premise that the Petitioner alone must bear the entire burden, but merely determines the portion he must reasonably contribute, having regard to his assessed income.

11. Respondent No. 2 is a growing child and is at an age where educational expenses, including school fees, transportation, and allied needs,

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[4] ***Subhash v. Mamta @ Raksha*** in MAT.APP.(F.C.) 195/2025 decided on 26th May, 2025; ***Kulbhushan Kumar (Dr) v. Raj Kumari*** (1970) 3 SCC 129.

[5] ***Shamima Farooqui v. Shahid Khan*** (2015) 5 SCC 705.

[6] ***Farooq Ahmed Shala v. Marie Chanel Gillier*** in CRL.REV.P. 855/2018 decided on 1st July, 2019.

are imminent and unavoidable. Maintenance is not confined to bare subsistence; it must be commensurate with the standard of living of the parents and sufficient to ensure the child's holistic development.[7] In this backdrop, an award of INR 12,500/- per month, which constitutes a fraction of the Petitioner's assessed income, cannot be said to be excessive or unreasonable.

12. It must also be underscored that the present proceedings arise out of a criminal revision. The scope of interference under revisional jurisdiction is narrow and confined to cases of patent illegality, jurisdictional error, or perversity. Re-appreciation of evidence or substitution of a plausible view with another is impermissible. The revisional courts must exercise restraint and should not interfere merely because a different view is possible.[8] No such infirmity is discernible in the impugned judgment.

13. In view of the aforesaid discussion, this Court finds no ground to exercise revisional jurisdiction to interfere with the well-reasoned order passed by the Family Court. The assessment of income, the determination of quantum, and the application of settled legal principles suffer from no illegality or perversity.

14. Accordingly, the present revision petition is dismissed. All pending applications also stand disposed of.

SANJEEV NARULA, J

DECEMBER 10, 2025/*ng*

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[7] ***Rajnesh v. Neha*** (2021) 2 SCC 324.
[8] ***State of Kerala v. Puttumana Illath Jathavedan Namboodiri*** (1999) 2 SCC 452.