



2025:DHC:11249



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 11th December, 2025***+ **CRL.REV.P.(MAT.) 561/2025**

SMT RUPA KUMARI JHA & ANR.Petitioners
Through: Mr. Shagun Mehta,
Advocate.

versus

TARUN KANT JHARespondent
Through: None.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

CRL.M.A. 37008/2025 (condonation of delay of 83 days in filing the present petition) & CRL.M.A. 37009/2025 (condonation of delay of about 28 days in re-filing the present petition)

1. For the reasons mentioned in the applications, the same are allowed and the delay in filing and re-filing the present petition is condoned.

2. The applications stand disposed of.

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3. The present petition is filed against the order dated 25.04.2025 (hereafter '**impugned order**') passed by the learned Family Court, West, Tis Hazari Courts, Delhi in MT No. 457/2021.

4. By the impugned order, the learned Family Court directed the respondent to pay a sum of ₹10,000/- per month as interim

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maintenance to the petitioners (₹2,500/- per month to Petitioner No. 1 and ₹7,500/- per month to Petitioner No. 2).

5. The learned Family Court considered the income affidavit of Petitioner No. 1 and noted that she had failed to disclose about her educational qualifications. It was noted that Petitioner No. 1 had mentioned that she is only a graduate, however, during the course of the arguments, it was revealed that Petitioner No. 1 had completed the District Institute of Education and Training (**DIET**) degree in the year 2010-2012. The learned Family Court also took into account the income affidavit of the respondent and noted that while the respondent had mentioned that his monthly salary is ₹22,658/-, however, as per his latest salary slip, his salary is ₹38,158/- per month which after deductions came to ₹36,358/- per month. Consequently, upon considering the totality of circumstances, the learned Family Court awarded interim maintenance of ₹2,500/- per month to Petitioner No. 1 and ₹7,500/- per month to Petitioner No. 2.

6. The learned counsel for the petitioners submits that the impugned order is erroneous and only a meagre amount has been awarded to the petitioners, especially Petitioner No. 1. He submits that admittedly the respondent is earning a sum of ₹38,158/- per month despite which an inadequate sum has been awarded as interim maintenance to the petitioners. He consequently prays that the interim maintenance to the petitioners be enhanced.

7. The scope of revisional jurisdiction under Sections 397 and 401 of the CrPC is narrow and circumscribed. Interference is



warranted only where the impugned order suffers from patent illegality, perversity, gross impropriety, or results in miscarriage of justice.

8. It is equally well-settled that orders granting interim maintenance are based on a *prima facie* assessment of material placed before the Court, and ordinarily ought not to be interfered with unless the finding is wholly arbitrary or untenable.

9. In the present case, the learned counsel for the petitioners has emphasised that only a meagre amount has been awarded to the petitioners as interim maintenance. In that regard, it is pertinent to note that while granting interim maintenance, the learned Family Court considered the income affidavits of Petitioner No. 1 and the respondent. During the course of the arguments, it was noted that while Petitioner No. 1, in her income affidavit, stated that she was only a graduate, she failed to disclose that she had completed DIET in the year 2010-2012. While the precise impact of such concealment along with the allegations and counter allegations of the parties is a subject matter of trial, and cannot be looked into at the stage of grant of interim maintenance, this Court cannot lose sight of the fact that while seeking the relief, Petitioner No. 1 was required to place before the Court all the necessary particulars for the Court to make a reasonable assessment of the needs of Petitioner No. 1. This includes Petitioner No. 1 providing an account of her educational qualifications, financial capacity and the like.

10. While this Court does not mean to suggest that the educational qualifications of Petitioner No. 1 *per se* disentitles



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her from grant of interim maintenance, the deliberate withholding at this stage cannot be brushed aside as inconsequential.

11. The learned Family Court also considered that while the respondent submitted that he was earning a sum of ₹22,658/- per month, it was noted that as per his latest salary slip, the respondent was earning a sum of ₹38,158/- which after deduction came at ₹36,358/-. Consequently, after considering the entire facts and circumstances, the learned Family Court awarded a sum of ₹2,500/- per month to Petitioner No. 1 and ₹7,500/- per month to Petitioner No. 2 as interim maintenance. The same, in the opinion of this Court, is not unreasonable at this stage.

12. It is not disputed that the impugned order is only an order of interim maintenance. The defences raised by the petitioner, along with the allegations and counter allegations, would be the subject matter of the trial, and would have to be decided after the parties have led their evidence.

13. The learned Family Court is directed that the final order be passed in the case uninfluenced by the findings made in the impugned order or this order.

14. In view of the above, this Court finds no reason to interfere with the impugned order and the present petition is accordingly dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 11, 2025

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