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

Date of decision: 21.04.2025

+ MAT.APP.(F.C.) 31/2025 & CM APPL. 4302/2025
ARUN KUMARAppellant

Through: Mr. Lokesh Kr. Mishra, Adv.

versus

PRIYA UPADHYAY ALIAS KHUSHIRespondent

Through: Mr. Murari Tiwari, Mr. Rahul
Kumar & Mr. Devang Khera,
Advs.

+ MAT.APP.(F.C.) 42/2025
PRIYA UPADHYAY & ANR.Appellants

Through: Mr. Murari Tiwari, Mr. Rahul
Kumar & Mr. Devang Khera,
Advs.

versus

ARUN KUMARRespondent

Through: Mr. Lokesh Kr. Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

1. These cross appeals have been filed by the parties challenging the Order dated 21.10.2024 passed by the learned Principal Judge Family Court, North-East District, Karkardooma Court, Delhi in HMA No. 1111/2023, titled ***Sh. Arun Kumar v. Priya Upadhyay @ Khushi***, allowing the application filed by the wife under Sections 24 and 26 of the Hindu Marriage Act, 1955 with the direction to the



husband to pay *pendent-lite* maintenance of Rs. 30,000/- per month to the wife for herself and the child who is aged around six years.

2. The learned counsel for the husband vehemently submits that the wife, in her detailed affidavit of assets and liabilities filed before the learned Family Court, had concealed that apart from the bank account with the Axis Bank that she had disclosed in the affidavit, she also maintained two other bank accounts; one in the ICICI Bank and the other in the IDBI Bank. He further submits that the wife, even as per the webpage of her employer, namely, India Today Media Institute, is working as Academic Associate and therefore, it is inconceivable that she would be earning only Rs. 40,000/- per month, that has been taken as her income by the learned Family Court. He submits that apart from the income from the above employer, the respondent is also earning from YouTube channel and also taking online tuitions, in support of which he has placed on record a Facebook page of the wife. He submits that the wife is earning more than Rs. 18,00,000/- per annum as is reflected from her bank statement.

3. He further submits that presently, the child has been admitted to Amity International School, Noida. He submits that being an Army personnel, if the child is admitted to a Kendriya Vidyalaya or to an Army Public School, the education of the child will be free, and the child would also get quality education.

4. The learned counsel for the husband further submits that the wife also concealed an immovable property allotted to her.

5. On the other hand, the learned counsel appearing for the wife



submits that all the three bank accounts of the wife were duly disclosed before the learned Family Court. The statements of these bank accounts clearly show that the major source of income of the wife is from her employment with the above named employer.

6. He submits that as far as the salary income of the wife is concerned, the wife had also placed on record the salary certificate issued by the employer.

7. The learned counsel for the wife disputes that there are other sources of income of the wife from YouTube channel or from online tuitions.

8. He further submits that the husband is having a gross income of Rs. 2,15,496/- per month, as is reflected from his salary certificate of February, 2024. He, therefore, prays for enhancement of the maintenance awarded by the learned Family Court.

9. The learned counsel for the wife also submits that though the wife had applied for allotment of an immovable property, the same was never allotted to her and therefore, the affidavit of assets and liabilities truly disclosed that she does not own any immovable property.

10. As far as the school is concerned, he submits that if the husband is able secure admission of the child in the Army Public School, Noida, the wife is willing to consider shifting the child to the said school.

11. We have considered the submissions made by the learned counsels for the parties.

12. The appeals before us are confined only to the award of



maintenance granted by the learned Family Court to the wife and the child of Rs. 30,000/- per month.

13. It is not denied that the husband is having an income of more than Rs. 2,00,000/- per month from his present position in the Indian Army. The wife, on the other hand, has placed on record her salary certificate and other sources of income. The wife has also placed on record, statements of her bank account which show that apart from the income from her employer, there are no substantial credits in the three bank accounts that she maintains, that is, one with the Axis Bank, the other with ICICI Bank, and the third with the IDBI Bank.

14. The plea of the husband that the wife is having income from other sources including her YouTube channel or from taking online classes, in our view, given the amount of maintenance that has been awarded by the learned Family Court, does not have much significance. The learned Family Court has granted only Rs. 30,000/- as maintenance to the wife and the child, which even if we were to accept the plea of the husband that the wife is having other sources of income as mentioned above, would not make it exorbitant or liable to be interfered with by this Court.

15. As far as the plea of the wife that the maintenance needs to be enhanced is concerned, again we find no merit. The learned Family Court has considered the income of the husband and of the wife and has then determined the maintenance amount which we find to be just and proper.

16. We therefore, find no merit in these cross-appeals as far as the award of interim maintenance is concerned.



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17. As far the plea of the husband that the wife owns an immoveable property, the wife shall file an affidavit before the learned Family Court, within a period of 10 days from today, stating that she does not own any immovable property and the property which has been mentioned by the husband along with the additional documents, was not allotted to the wife.

18. As far as the issue of the migration of the child from the Amity International School to the Army Public School, Noida, in case the husband is able to secure the admission of the child in the Army Public School, Noida, he shall inform the wife, and the wife will take necessary steps to have the child migrated to that school. In case of any difficulty, either of the parties can approach the learned Family Court for seeking appropriate directions in that regard.

19. With the above observations, the aforementioned appeals are disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 21, 2025 */Pr/Mn/ik*

Click here to check corrigendum, if any