



2025:DHC:11584



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: December 17, 2025

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**CRL.REV.P.(MAT.) 572/2025 & CRL.M.A.
37657/2025, CRL.M.A. 37658/2025**

YOGITA

.....Petitioner

Through: Ms. Sumitra Choudhary,
Adv. (through VC)
Mr. M.K. Raghav Raman,
Ms. Nitya Sharma and Ms.
Jasmine Sheikh, Advs.

versus

KRISHAN @ VIKASH

.....Respondent

Through:

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

1. The present revision petition is filed by the petitioner wife challenging the order dated 07.08.2025 (hereafter '**impugned order**') passed by the learned Additional Sessions Judge ('**ASJ**'), South-West District, Dwarka Courts, New Delhi in Criminal Appeal No. 1983/2024.
2. The learned ASJ by the impugned order dismissed the appeal filed by the petitioner under Section 29 of the Domestic Violence Act, 2005 ('**DV Act**') challenging the order dated 13.05.2024 passed by the learned Metropolitan Magistrate ('**MM**'), South-West District, Dwarka Courts in MC No. 525/2021 whereby the learned MM awarded interim maintenance



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of ₹18,000/- per month to the petitioner.

3. It is averred that the marriage between petitioner and respondent was solemnized on 14.02.2020 as per Hindu rites and customs. It is alleged that initially the relationship between the petitioner and respondent was cordial in nature, however, being influenced by his mother the respondent started exhibiting hostile behaviour towards the petitioner.

4. It is alleged that the petitioner was, thereafter, thrown out of her matrimonial home in the year 2021. It is alleged that the respondent is still harassing the petitioner and has withheld all the streedhan belonging to the petitioner.

5. Being aggrieved, the petitioner filed a Domestic Violence complaint under Section 12 of the DV Act being MC No. 525/2021 along with an application under Section 23 of the DV Act seeking interim maintenance from the respondent.

6. Subsequently, *vide* order dated 07.05.2022 the learned MM awarded ad-interim maintenance of ₹5,000/- per month to the petitioner.

7. It is alleged that despite passing of the aforesaid order, the respondent was not paying the ad-interim maintenance of ₹5,000/- to the petitioner. Being aggrieved of the same, the petitioner preferred a contempt petition being CONT CAS(C) 39/2023 before this Court.

8. A Co-ordinate Bench of this Court by order dated 05.10.2023 disposed of the contempt petition noting that the respondent had cleared all the arrears and had undertaken to continue paying ad-interim maintenance till final disposal of the



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application seeking interim maintenance.

9. It is alleged that the respondent kept on delaying the disposal of the application seeking interim maintenance, pursuant to which the petitioner preferred a petition being CM(M) 1986/2024 before this Court.

10. A Co-ordinate Bench of this Court by order dated 28.02.2024 disposed of the petition filed by the petitioner with the directions to the learned MM to decide the application seeking interim maintenance within a period of one month.

11. Thereafter, by order dated 13.05.2024, the learned MM allowed the application filed by the petitioner seeking interim maintenance and awarded an amount of ₹18,000/- per month to the petitioner till the disposal of the case.

12. Being aggrieved by the aforesaid order the petitioner filed an appeal under Section 29 of the DV Act before the learned ASJ being Criminal Appeal 1983/2024 seeking enhancement.

13. It is pertinent to note that even the respondent preferred an appeal under Section 29 of the DV Act before the learned ASJ challenging the interim maintenance order dated 13.05.2024.

14. As noted above, the learned ASJ by the impugned order dismissed the appeal filed by the petitioner. The learned ASJ noted that the learned MM assessed the income of the respondent as per the income affidavits filed and that no evidence was brought forth by the petitioner to show that the petitioner was earning more than the assessed income. Further, the appeal filed by the respondent was also dismissed by the learned ASJ.

15. Aggrieved by the impugned order the petitioner has

Signature Not Verified

Signed By: HARMINDER KAUR CRL.REV.P.(MAT.) 572/2025

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preferred the present petition.

16. The learned counsel for the petitioner submits that the learned ASJ failed to appreciate the fact that the learned MM had awarded a meagre amount of interim maintenance. She submits that the learned MM had wrongly assessed the income of the respondent as ₹55,000/- per month. She submits that the respondent has concealed his sources of income to evade payment of maintenance to the petitioner.

17. She submits that the petitioner is unemployed and the amount of interim maintenance awarded is not sufficient for her daily sustenance. She consequently prays that the amount of interim maintenance be enhanced.

18. I have heard the learned counsel for the petitioner and perused the record.

Analysis

19. It is settled law that scope of revisional jurisdiction 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.

20. 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.

21. The petitioner has essentially challenged the quantum of interim maintenance awarded by the learned MM. It is the contention of the petitioner that the respondent has concealed his income in order to evade payment of maintenance to the



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petitioner.

22. The learned MM at the time of awarding interim maintenance had assessed the income of the respondent as ₹55,000/- per month. The learned MM after perusing the income affidavit filed by the respondent noted that he was working as a clerk in a bank and was drawing a salary of ₹53,000/- per month as well as had 3 to 4 FDRs under his name.

23. From a perusal of the impugned order, it can be seen that the learned ASJ had noted that *prima facie* the learned MM had rightly assessed the income of the respondent.

24. It was also noted that the petitioner had failed to bring any material on record to show that the respondent was earning more than the income assessed by the learned MM at the time of granting interim maintenance.

25. Further, nothing has been placed on record by the petitioner even before this Court in order to show that the respondent was earning more than the income as assessed by the learned MM.

26. In the opinion of this Court, the learned MM has rightly applied the *dictum* in the case of **Annurita Vohra v. Sandeep Vohra : 2004 SCC OnLine Del 192**, wherein it was held that the income should be divided equally between all the family members entitled to maintenance with one extra portion / share being allotted to the earning spouse since extra expenses would necessarily occur. At this stage, *prima facie*, the learned MM has rightly assessed the income of the respondent at ₹55,000/- per month and thereby awarded interim maintenance of ₹18,000/- per



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month to the petitioner by splitting the assessed income of the respondent in three portions.

27. It is not disputed that impugned order was a challenge to 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 evidence, and cannot be finally decided at this stage.

28. In view of the above, this Court finds no reason to interfere with the impugned order and the present petition is accordingly dismissed.

29. Pending application(s), if any, also stands disposed of.

30. The learned MM is directed that the final order be passed in the case uninfluenced by the findings made in the present order.

AMIT MAHAJAN, J

DECEMBER 17, 2025

'KDK'