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

+ **CRL.REV.P.(MAT.) 592/2025, CRL.M.A. 38632-38635/2025**

MOHAN SINGH

.....Petitioner

Through: Mr. Mohit Paul, Advocate
(DHCLSC) with Ms. Rangoli Seth,
Mr. Rohit, Advocates.

versus

MEENU

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.12.2025

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1. This revision petition assails the interim order dated 11th July, 2025 passed by the Family Court-03, Shahdara District, Karkardooma Courts, Delhi in MT Case No. 63 of 2024, whereby interim maintenance of INR 3,000/- per month has been awarded in favour of the Respondent in proceedings instituted under Section 125 of the Code of Criminal Procedure, 1973.¹

2. The relationship between the parties is not disputed. The Petitioner (husband) married Respondent (wife) on 20th November, 2013 as per Hindu rites and customs. Parties had a son from this marriage who unfortunately deceased in 2024. Owing to marital discord, the parties have been living separately. The Respondent thereafter instituted proceedings under Section

¹ "CrPC"



125 CrPC seeking maintenance, in which the application for interim maintenance came to be decided by the impugned order.

3. Counsel for the Petitioner submits that the grant of ad-interim maintenance is legally unsustainable, as the Petitioner is presently unemployed and has no independent source of income. It is contended that the Family Court erred in presuming that the Petitioner has the means to pay maintenance merely on account of his age, despite medical records indicating that he has been suffering from mental health issues and has remained out of employment for a considerable period.

4. It is further urged that the Respondent is gainfully employed as a domestic help and is capable of maintaining herself. She has suppressed her income and made contradictory disclosures before the Family Court. It is also contended that the Petitioner is entirely dependent on his father's limited income, which is barely sufficient to sustain the household, and in these circumstances, the direction to pay interim maintenance of ₹3,000/- per month is arbitrary and warrants interference.

5. This Court has considered the rival submissions and perused the record. The challenge is to an order granting interim maintenance. It is well settled that interim maintenance is fixed on a *prima facie* assessment of the material placed on record, with the object of ensuring subsistence during the pendency of proceedings. At this stage, the Court is not expected to undertake a detailed fact-finding exercise or conduct a mini-trial. Interference in revisional jurisdiction is warranted only where the discretion exercised by the Trial Court is shown to be perverse, arbitrary, or manifestly illegal.

6. The impugned order reflects a detailed and reasoned consideration of



the material placed before Court. The relevant observations read as under:

“9. *Heard the parties. Perused the record.*

10. *Apart from the income and assets affidavit filed by the respondent, he has filed his copy of the Aadhar Card and the PAN card, statement of account of Delhi State Cooperative Bank, and his medical documents.*

11. *Also, the petitioner has filed her own income and assets affidavit. The petitioner has filed her own documents ts i.e. copy of ID proof. Marriage photograph, a copy of the birth certificate of child.*

12. *The marriage stands admitted. It is also an admitted position that the male child born out of the wedlock had expired, and the copy of the death certificate of the child is on record. The respondent claims that he is not working anywhere and that he suffers from depression and other mental ailments. The medical record in this regard has been furnished. However, a thorough perusal of such medical record furnished by the respondent would show that, apart from the complaint of anxiety and depression for which he had been prescribed medicines, he does not suffer from any other such kind of problem which would completely debilitate him from earning or doing any kind of work.*

13. *On the other hand, the petitioner has also not been able to show on a prima facie basis that the respondent is doing work at any local factory or has work of a manufacturing/technician in a transformer factory. However. It is assumed that a young man of around 30 years of age. is employed and has a source of income*

14. *Also, though the petitioner has stated in her petition that she is working as a domestic maid. However, such kind of work cannot be assumed to be sustained or having fixed source of income.*

15. *Accordingly, in these circumstances, the court hereby deems it fit and hereby directs the respondent to pay an amount of Rs 3,000/- per month to the petitioner.*

16. *Such amount shall be quantifiable from the date of filing of the petition till disposal of the same. Any payment made by way of interim or adinterim maintenance order passed in the present proceedings or any other Proceedings shall be adjusted. Accordingly, the interim maintenance application is disposed off*

Hence, the matter is now adjourned for PE on 10.11.2025.

Let evidence by way of affidavit of the petitioner be filed by NDOH with advance copy to opposite party”

7. No case for interference with the impugned order is made out. The amount awarded by the Family Court is in the nature of interim maintenance and is intended to secure bare subsistence of the Respondent during the



pendency of proceedings. The quantum of INR 3,000/- per month is modest and cannot, by any standard, be characterised as excessive or disproportionate.

8. The principal submission of the Petitioner is that he is unemployed due to mental health issues and is dependent on his father's limited income, and therefore lacks the means to pay maintenance. These aspects have been duly considered by the Family Court, which, on a *prima facie* appreciation of the medical record, has found that apart from anxiety and depression for which medication has been prescribed, there is nothing to indicate that the Petitioner suffers from any condition that would completely incapacitate him from undertaking gainful work.

9. The plea of financial dependence on the father also cannot justify denial of interim maintenance. It is well settled that an able-bodied husband is presumed to have the capacity to earn and cannot evade his statutory obligation to maintain his wife by asserting unemployment or dependence on family members.² At the interim stage, the Court is required to adopt a pragmatic approach to ensure subsistence, and disputed questions relating to the Petitioner's actual earning capacity and the extent of his medical condition, are matters that can be examined upon evidence during trial.

10. Equally, the contention that the Respondent is earning as a domestic help and is therefore disentitled to maintenance does not advance the Petitioner's case at the interim stage. The Family Court has rightly observed that such work, even if assumed, cannot be treated as a stable or sufficient source of income. It is well settled that the mere fact that the wife is earning,

² *Chander Prakash Bodhraj v. Shila Rani Chander Prakash* MANU/DE/0028/1968; *Shamima Farooqui v. Shahid Khan* (2015) 5 SCC 705.



or capable of earning, does not disentitle her from maintenance. What is relevant is whether such income is sufficient to enable her to maintain herself in a manner consistent with the standard of living in the matrimonial home.³ No such material has been placed on record in the present case.

11. It bears reiteration that an order granting interim maintenance is tentative in nature and does not finally determine the rights of the parties. The Petitioner remains at liberty to lead evidence before the Family Court in support of his assertions and to seek appropriate modification of the maintenance order upon a change in circumstances or on the basis of material brought on record.

12. In view of the foregoing, this Court finds that the impugned order does not suffer from any perversity, arbitrariness, or patent illegality warranting interference in revisional jurisdiction. The revision petition is, accordingly, dismissed.

13. Pending application(s), if any, are also disposed of.

SANJEEV NARULA, J

DECEMBER 23, 2025/ab

³ *Rajnesh v. Neha* (2021) 2 SCC 324.