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IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.REV.P. 158/2025 & CRL.M.A. 12234/2025,
CRL.M.A. 12236/2025, CRL.M.A. 12237/2025

ANOJ PANWAR

.....Petitioner

Through: Mr. Rajat Gaur, Advocate.
versus

JYOTSNA PANWAR

.....Respondent

Through: Ms. Pallavi, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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15.09.2025

1. The present revision petition is filed by the petitioner challenging the orders dated 18.07.2024 and 15.10.2024 passed by the learned Family Court, South District, Saket Courts, New Delhi in MT No. 296/2023.

2. By order dated 18.07.2024, the learned Family Court allowed the application filed by the respondent seeking interim maintenance and thereby directed the petitioner to pay a sum of ₹27,000/- per month as interim maintenance to the respondent till the final disposal of the case.

3. By order dated 15.10.2024, the learned Family Court dismissed the application filed by the petitioner under Section 127 of the Code of Criminal Procedure, 1973 ('CrPC') seeking reduction of interim maintenance payable to the respondent.

4. It is averred that the marriage between the petitioner and respondent was solemnized on 26.01.2001 as per Hindu rites and customs, whereafter, on 21.08.2003, a girl child was born out of the said wedlock.

5. It is alleged that on 27.01.2016, the respondent verbally and physically assaulted the petitioner in front of their
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neighbours, thereafter, on 28.01.2016, the respondent left her matrimonial home and the parties have been residing separately since then.

6. That on 15.02.2016, the petitioner filed a petition under Section 13(1)(a) of the Hindu Marriage Act, 1955 ('HMA') before the learned Family Court seeking a decree of divorce from the respondent.

7. Thereafter on 23.03.2017, the respondent preferred an application under Section 24 of the HMA before the learned Family Court seeking interim maintenance from the petitioner. The learned Family Court *vide* order dated 16.12.2017 dismissed the application filed by the respondent under Section 24 of the HMA, noting that the respondent failed to file her income affidavits despite repeated reminders.

8. Subsequently *vide* decree dated 20.01.2020, the learned Family Court allowed the petition filed by the petitioner under Section 13(1)(a) of the HMA and passed an *ex-parte* decree of divorce in favour of the petitioner noting the conduct of the respondent to be cruel.

9. That on 18.07.2023, the respondent filed a petition under Section 125 of the CrPC along with an application seeking interim maintenance from the petitioner.

10. As noted above, the learned Family Court *vide* order dated 18.07.2024 allowed the application filed by the respondent seeking interim maintenance. The learned Family Court noted that even though the respondent is educated, she cannot be denied the benefit of interim maintenance and thereby awarded interim maintenance of ₹27,000/- per month to the respondent till the final disposal of the case.



11. Thereafter, the petitioner filed an application under Section 127 of the CrPC seeking reduction of interim maintenance. As noted above, the same was dismissed by the learned Family Court noting that there was no change in circumstance to warrant any reduction in the maintenance awarded.

12. Aggrieved by the aforesaid orders the petitioner has preferred the present petition.

13. The learned counsel for the petitioner submits that the income of the petitioner has been assessed as ₹1,09,000/- per month. He submits that in such circumstances, awarding an interim maintenance of ₹27,000/- per month is highly excessive.

14. He submits that the learned Family Court failed to appreciate the fact that the respondent is a well-qualified person and is capable to work, however, she is deliberately not working in order to extort money from the petitioner.

15. He submits that the learned Family erred by dismissing the application filed by the petitioner under Section 127 of the CrPC on the ground that there was no change in circumstance. He submits that during the pendency of the application the daughter of the petitioner and respondent was residing with the respondent, however, subsequently the daughter is now residing with the petitioner and he has to bear her expenses as well.

16. *Per contra*, the learned counsel for the respondent vehemently opposes the arguments as raised by the learned counsel for the petitioner. She consequently prays that the present petition be dismissed/

17. I have heard the learned counsel for the parties and perused the record.



Analysis

18. In the present case, the petitioner is not disputing the entitlement of the respondent to receive maintenance even though it is undisputed that divorce has been granted. The challenge is only in regard to the quantum of maintenance on the ground that respondent is in a position to maintain herself.

19. The learned Family Court by order dated 18.07.2024, after perusing the income affidavit filed by the petitioner assessed his income at ₹1,09,000/- per month and the same was not disputed by the petitioner before the learned Family Court.

20. Further nothing has been placed on record by the petitioner before this Court in order to show that he is not earning the aforesaid income as assessed by the learned Family Court.

21. It is argued by the petitioner that the respondent is not entitled to maintenance on the ground that she is a well-qualified person and is capable of maintaining herself.

22. The learned Family Court noted that even though the respondent is a well-qualified person, she had to leave her job in order to look after her daughter who suffers from various mental ailments.

23. It was further pointed out by the learned counsel for the respondent that currently the respondent is not employed and is solely depended on the monthly maintenance received from the petitioner.

24. It is settled law that the wife cannot be denied the benefit of maintenance solely on the ground that she is an educated person and is capable of maintaining herself. It also cannot be ignored that order is only in regard to interim maintenance.

25. The petitioner is an able-bodied man. There is nothing



placed on record to show as to why the petitioner is unable to pay ₹27,000/- per month.

26. Thus, it is incumbent on the petitioner, who is an able-bodied man, to financially support the respondent. In such circumstances, in my opinion, the interim monthly maintenance of ₹27,000/- per month to the respondent is reasonable.

27. It is not disputed that the order dated 18.07.2024 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.

28. Whether the respondent is unemployed only for the purpose of extorting the maintenance would be tested after the evidence is led. At this stage, nothing has been brought on record to show that she is in a position to maintain herself. Once the petitioner is not disputing to be earning the amount as assessed by the Family Court or the entitlement of respondent to receive the maintenance, the award of ₹27,000/- as interim maintenance is not unreasonable.

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

30. In view of the above, this Court finds no reason to interfere with the impugned order, and the petition is dismissed in the aforesaid terms.

31. Pending Application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

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