SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/989/2025 Deepak Singh --Applicant **Versus** Shalini --Respondent **Hon'ble Alok Mahra, J.** Mr. Akshay Pradhan, learned counsel for the applicant. 2. Mr. Gaurav Kandpal, learned counsel for respondent. 3. The present C-528 application has been filed seeking quashing and setting aside of the impugned order dated 23.12.2024 passed by the learned Additional District and Sessions Judge-IV, Dehradun, in Criminal Appeal No.263 of 2024, as well as the orders dated 16.03.2024 and 06.11.2024 passed by the learned Judicial Magistrate/First Additional Civil Judge (Junior Division), Dehradun, in Case No.1836 of 2023. 4. Learned counsel for the applicant would submit that the present matter arises out of matrimonial discord between the applicant and the respondent, who are legally wedded husband and wife; that, their marriage was solemnized on 08.11.2019 in accordance with Hindu rites and rituals and one male child was born out of the wedlock; that, owing to certain matrimonial differences, the respondent initiated proceedings under the Protection of Women

			from Domestic Violence Act, 2005 ('the D.V. Act'); that, the learned Magistrate, vide order dated 16.03.2024, awarded a total sum of ₹18,000/- per month, comprising ₹10,000/- towards maintenance of the respondent/wife, ₹5,000/- towards maintenance of the minor son and ₹3,000/- towards residence expenses; that, being aggrieved by the aforesaid order, the applicant preferred an application under Section 25(2) of the D.V. Act seeking alteration/modification of the order dated 16.03.2024, which came to be dismissed by the learned Magistrate vide order dated 06.11.2024; that, thereafter, the applicant preferred Criminal Appeal No.263 of 2024, which was also dismissed by the learned appellate court vide order dated 23.12.2024. 5. Learned counsel for the applicant would further submit that the impugned orders suffer from illegality and have been passed without proper appreciation of the facts and circumstances of the case; that, the amount of maintenance awarded by the learned court below is excessive and disproportionate to the financial capacity of the applicant; that, the respondent/wife is a practising advocate at the District Court, Dehradun, and is capable of earning her livelihood; that, on the other hand, the applicant is working as a delivery partner/driver with Swiggy and earns only ₹10,000/- to ₹15,000/- per month. He would further submit that the respondent along with his minor son is living in her parental home. It is, therefore, contended that the impugned orders are liable to be set aside.

			6. Per contra, learned counsel for the respondent would submit that the applicant has deliberately concealed his actual financial status and is attempting to mislead this Court by projecting himself as a delivery partner/driver with Swiggy; that, in fact, the applicant is engaged in share trading as well as property dealing business; that his father is a retired employee of ONGC and is drawing a handsome pension; that the applicant is leading a comfortable and lavish lifestyle, which is also evident from the photographs placed on record. It is, therefore, submitted that the learned courts below have rightly assessed the financial capacity of the applicant and passed the impugned orders, which do not call for any interference. 7. Heard learned counsel for the parties and perused the material available on record. 8. It is not disputed that the applicant and the respondent are legally wedded husband and wife and that one male child was born out of their wedlock. It is also evident from the record that the learned Magistrate, vide order dated 16.03.2024, awarded a total sum of ₹18,000/- per month towards maintenance of the respondent/wife and their minor son, including ₹3,000/- towards residence expenses. The applicant sought alteration of the said order by invoking the provisions of Section 25(2) of the D.V. Act; however, his application as well as the subsequent appeal came to be dismissed. 9. Upon consideration of the rival submissions and the material available on record, this Court is of the view that the

maintenance amount must be commensurate with the financial capacity of the applicant and the needs of the dependants. The fact that the respondent/wife is a practising advocate does not absolve the applicant/husband of his statutory obligation to maintain his wife and minor child. However, considering that the respondent/wife is presently residing at her parental home, the amount awarded towards residence expenses requires modification.

10. Accordingly, the impugned orders are modified to the extent that the applicant shall pay a sum of ₹10,000/- per month to the respondent/wife and ₹5,000/- per month towards the maintenance of his minor son. The additional amount of ₹3,000/- per month awarded towards residence expenses is hereby waived. Thus, the applicant shall pay a total sum of ₹15,000/- per month towards maintenance of the respondent/wife and their minor son, on or before the 7th day of each succeeding calendar month.

11. With the aforesaid modification, the present C-528 application stands disposed of.

12. Pending applications, if any, also stand disposed of.

MA MTA RANI

Digitally signed by MAMTA RANI
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(Alok Mahra, J.)
23.11.2026

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