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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 33/2026
SUNNY MEHTA @ SHYAM MEHTAPetitioner
Through: Counsel (appearance not given)
versus
SMT. LATIKA & ORS.Respondents
Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **22.01.2026**

CRL.M.A. 2259/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.A. 2261/2026 (condonation of 05 days delay in filing)

For the reasons stated in the application, which is duly supported by affidavit, the delay in *filing* is condoned.

2. The application is allowed.
3. The revision petition is taken on Board.

CRL.REV.P.(MAT.) 33/2026

CRL.M.A. 2260/2026 (stay)

4. By way of the present petition filed under sections 438/442 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner impugns judgment dated 13.10.2025 passed by the learned Principal Judge, Family Court, East District, Karkardooma District Courts, Delhi in MT CASE 52/2019, whereby, in proceedings under section 125 of the Code of Criminal Procedure 1973, the learned Family Court has awarded maintenance of Rs. 8000/- per month *each* to



respondent Nos. 2 and 3, who are 02 minor daughters of the petitioner and Rs. 4000/- per month to respondent No. 1, who is the petitioner's wife.

5. Additionally, the learned Family Court has also directed that the maintenance as awarded by way of the impugned judgment, would be increased by 10% every 03 years from the date of the judgement; also directing that the arrears must be cleared within 90 days. The learned Family Court has also awarded Rs. 11000/- as litigation expenses to the respondents.
6. The court has heard learned counsel appearing for the petitioner, at length, at the stage of issuance of notice itself.
7. The court has perused the impugned judgment carefully.
8. The relevant extracts, basis which maintenance has been awarded are the following:

*“23. ... In her cross examination there is no denial of the said incident of cruelties narrated by her in her petition and evidence affidavit. **Since the respondent's defense has already been struck off vide order dated 01.10.2024, therefore, defense taken in his WS cannot be looked upon, therefore, in my view, petitioner no.1 through her testimony has been able to prove that respondent has treated her with cruelties and thrown her out of matrimonial home.** Thus (sic) has neglected to maintain her. Hence she is entitled to maintenance from the respondent if she is unable to maintain herself from her own earning and further, petitioners no.2 & 3 also being children of the respondent it is legal and moral duty of the respondent to maintain them, therefore, they are also entitled to maintenance.*

“24. As far as income of the petitioner no. 1 is concerned, she in her income affidavit in relevant column of occupation has mentioned that she is housewife and expenditure on the education of children is Rs. 15,000/-. Further, she in her testimony has deposed



that she has no independent income to support herself or her minors as their expenses were borne by her father. In her cross examination, she deposed that the respondent was known to her since 2010 as he was her classmate in MBA in IMT Ghaziabad, U.P. and she was doing MBA from 2009 to 2012 but in my view, merely petitioner no.2 being MBA does not prove that she was earning anything. **No suggestion has been given to her that she was doing any job or running any business.** She has liability to look after two minor children, therefore, even if she is highly qualified and can earn but since she has to look after two minor children, therefore same has hamper her capacity to earn, but atleast she being MBA could have such time that she could do part time job or give tuition and atleast earn to maintain herself. Therefore in my view petitioner no. 1 is entitle (sic) to only half of maintenance amount which she otherwise would be entitled. As far as petitioner no. 2 and 3 is concerned, being minor children it is the legal and moral responsibility of respondent to maintain them.

“25. As far as income of the respondent is concerned, though the petitioner in her petition has stated that the respondent has a business with his father in Gandhi Nagar in readymade garments and has independent income of appx. 1 lakh per month and whole family has income of around Rs. 3 lakhs to Rs. 5 lakhs, which she has reiterated in her examination in chief which led by way of affidavit Ex. PW 1/A but to corroborate her testimony she did not place any document on record which shows that the respondent is earning appx. Rs. 1 lakh from the business of readymade garments at Gandhi Nagar, therefore, **even if I ignored the defense of the respondent as taken in WS due to striking off his defense that he is not having any business of ready-made garments at Gandhi Nagar, the onus would remain upon the petitioner no. 1 to prove the said facts. In my view at the same time, the respondent has also failed to prove that his income is only Rs. 14,000/- per month, as mentioned in his evidence affidavit but he failed to produce any document to prove said income.**

“Undoubtedly as contended by Id. Counsel for respondent, she in her cross examination has admitted that certificate dt. 20.12.2015 on the letter head issued by his brother monthly salary



of respondent is mentioned as Rs. 8000/- per month and working with his brother since 2011 but the petitioner has explained that said certificate was got issued for preparation of EWS certificate. I found force in said explanation as respondent has never stated in WS or given suggestion to her that respondent ever employed with her brother.

“26. In my view respondent is concealing his true income. In case of Kusum Sharma vs. Mahender Kumar Sharma 217 (2015) DLT 709, our own High Court has evolved the legal procedure of filing the detailed affidavit which has been modified later on in the year 2017. While discussing in the above said judgment, earlier case of Radkhka vs Vineet Rungta, 110 (2004) (DLT) 111, this court observed that parties rarely disclose their true income and therefore, the court have to resort to the status and life style of the parties for fixing the maintenance.

“27. Undisputedly (sic) the respondent is MBA and it cannot be presumed that he is only earning Rs. 14,000/- per month as being highly qualified person he could get job at much higher salary than Rs. 14,000/- per month.

“28. Further, from the order dated 16.11.2023 passed by Hon’ble Delhi High Court in CRL. REV.P. No. 1039/2019, the respondent-husband himself agreed that he would deposit Rs. 8,000/- per month towards the maintenance of the children. If he was earning only Rs. 14000/- per month how he can pay Rs. 8000/- per month for his children. Hence, considering the fact that the respondent is a able-bodied person and he is highly education man (sic) i.e. MBA, in my view his income would not be less than Rs. 30,000/- per month, therefore, I held that the respondent monthly income could be presumed to be atleast Rs. 30,000/- per month on the day of application i.e. 23.01.2019.

“29. Now coming to the question how much amount petitioners are entitled as maintenance. To calculate the maintenance amount which petitioners are entitled to seek from the respondent, reliance is placed upon Annurita Vohra v. Sandeep Vohra reported as 110 (2004) DL1 456 where Hon’ble High Court has observed as under:

“In my view, a satisfactory approach would be to divide the Family Resource cake in two portions to the Husband since has to incur



extra expenses in the course of his making his earning, and one share to each other members.”

“30. Applying the above mentioned guiding principles, generally two shares of the income should go to the earning spouse and the one share to the claimant spouse and other dependents. In the present case, the petitioner no.1 has categorically deposed that the respondent has only liability to maintain her and her two minor children. From perusal of cross examination of PW1 I found that no suggestion has been given to her that the respondent has other liability except petitioners, therefore, whatever income respondent has earned same is to be divided into five parts; two shares of the monthly income should be left for the expenses of respondent (being the earning spouse) and one share may be given for maintenance of the dependent(s)/petitioners, if the petitioner no.1 is able to prove that she is not earning anything. Hence applying the ratio of said judgement if respondent income is divided into 5 parts the petitioner no. 1 to 3 would be entitle to Rs. 6,000/- each.

“31. Even otherwise as per settlement dated 30.07.2025 enter before mediation centre, respondent himself agreed in the mediation that he shall bear all the expenses of the education of the children till completion of their graduation, including curriculum activities & transportation of both children as per school/college receipts upto the level of graduation, however, the said mediation could not be finalized as respondent denied to pay the previous decretal amount qua execution. As per income affidavit filed by the petitioner no. 1 the total school expenditure is Rs. 15,000/- per month. As per school fees mark PW1/2 the tuition fees of Umanshi Gupta is 12294/- per quarter which comes to two daughter (sic) around Rs. 25,000/- per quarter, which means Rs. 4000/- per month to each children. There might be other expenses, hence even school expenses and other household expenses of both children would not be less than Rs. 8,000/- per month for each children.”

(emphasis supplied)



9. Based on the discussion as recorded above, the learned Family Court has awarded maintenance of Rs. 8000/- per month to each of the minor daughters and Rs. 4000/- per month to the wife.
10. As is evident from the a perusal of that order, the learned Family Court has applied the law as laid down by this court in **Rajnesh vs. Neha and Anr.**,¹ as well as in **Annurita Vohra vs. Sandeep Vohra**,² to decide the maintenance that would be payable to the respondents. This court is of the view that even though the petitioner's defence was struck-off *vidé* order dated 01.10.2024, which order remained unchallenged by the petitioner, the learned Family Court has proceeded on an objective, sound and tenable basis for arriving at the total maintenance awarded to the three respondents.
11. Furthermore, in the opinion of this court, granting maintenance of Rs. 8000/- per month each to the 02 minor school-going daughters; and Rs. 4000/- per month to the wife, for them to survive in the city of Delhi, with its high cost of living, is neither unreasonable nor disproportionate.
12. In the circumstances, this court is of the view that there is nothing amiss in the correctness, legality or propriety of the impugned judgment which would warrant inference of this court in its revisional jurisdiction under section 442 of the BNSS.

¹ (2021) 2 SCC 324; judgment quoted in para 21 of impugned judgment.

² 2004 SCC OnLine Del 192



13. The petition is accordingly dismissed, at the stage of issuance of notice itself.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 22, 2026

V.Rawat