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

\+ CRL.REV.P.(MAT.) 189/2026 and CRL.M.A. Nos. 10866-69/2026

ABDUL KAISH .....Petitioner

Through: Ms. Shagufta H. Badhwar, Advocate (DHCLSC)

versus

KHUSHBU PARVIN & ORS. .....Respondents.

Through:

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

<u>O R D E R</u>

% 09.04.2026

1. By way of this revision petition, the petitioner assails an order passed by the learned Family Court on 12.12.2025, whereby the Family Court has awarded interim maintenance of Rs. 6,000/- per month each, in favour of his estranged wife and two minor sons, aged approximately 8 years and 10 years.

2. Before the Family Court, the case of the respondent-wife was that the petitioner runs a wallet-making factory and earns about Rs. 1,50,000/- per month. She, therefore, sought maintenance of Rs. 90,000/- per month. As against this, the petitioner stated as follows, in his reply filed before the learned Family Court:

> *" 6. That the contents of this Para No.6 of the petition under reply are admitted to this extent that the respondent brought the petitioner to Delhi and it is absolutely wrong, false, moonshine and concocted story hence,* ***<u>vehemently denied that the respondent is running a wallet making factory as alleged. In fact, the respondent is working as an daily wages employee/labour at Nabi Karim, Delhi</u>****. The contents of foregoing paras of the Preliminary Objections of the present reply be read as part and parcel to this para which are not being repeated herein for the sake of*

brevity and to avoid their reproduction/repetition."

[Emphasis supplied.]

3. The petitioner claimed to have an income of only approximately Rs. 12,000/- to Rs. 13,000/- per month, and stated as follows:

> *" 18. That the contents of the Para No. 18 of the petition under reply are wrong and false hence, denied.* ***In fact, the respondent is working as a karigar at Nabi Karim, Delhi,*** *and the income of respondent is/was never upto Rs. 1,64,000/- as alleged. The petitioner has exaggerated the income of the respondent with mala fide intention.* ***In fact, the monthly income of the respondent is upto Rs. 12,000/- to Rs. 13,000/- per month only****.*
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> *xxxx xxxx xxxx "*

[Emphasis supplied.]

4. At the *ad interim* stage, a sum of Rs. 6,000/- per month was awarded by the Family Court on 21.05.2025, as *ad interim* maintenance for both the children.

5. By the impugned order, the learned Family Court has found that there is no material to substantiate the claim of the respondent-wife that the petitioner's income was in the region of Rs. 1,50,000/- per month. However, it thereafter proceeded to hold as follows:

> *"10. However,* ***perusal of bank account statement of respondent reveals that there are various credit entries in the bank account of respondent, sometimes amounting to Rs.1,50,000/-, Rs.30,000/-, Rs.10,000/-, Rs.14,000/-, Rs.20,000/- etc. on various dates since year 2022 till February 2025****. ITR details have not been filed by respondent which could reflect his annual income. Therefore, prima-facie,* ***it can be presumed that respondent is running some business and is earning much more amount per month that he has claimed. Therefore, at this initial stage, his income is estimated to the about Rs.40,000/- to Rs.50,000/- per month from his business.****"*

[Emphasis supplied.]

6. The fact that the petitioner's bank statements showed credit entries, as recorded by the Family Court, is not disputed. The principal contention of Ms. Shagufta H. Badhwar, learned counsel for the petitioner, however, is that the aforesaid credit entries were, in fact, on account of transactions

in the ordinary course of business, and not the personal income of the petitioner. In support of this contention, Ms. Badhwar draws my attention to Ground "D" of the present revision petition, which reads as follows:

> *"D. BECAUSE it is further submitted that even if this Hon'ble Court were to proceed, for the sake of argument and without conceding the position, on the assumption that the gross credit entries in the Revisionist's account are to be treated as representing his business receipts - then it necessarily and as a matter of elementary commercial logic follows that only the net profit margin referable to those receipts can legitimately be treated as the Revisionist's income, and the remainder must be recognised as business expenditure, which is precisely what the corresponding debits on the face of the same statement represent. It is a settled proposition of commercial law and of common sense that no trading business operates at 100% profit - that raw materials must be purchased, suppliers must be paid, and operational costs must be met before any profit accrues to the proprietor.* ***The debit side of the Revisionist's bank statement, with its consistent pattern of outflows to suppliers, trade contacts, and business counterparties, makes plain that a -substantial portion - conservatively estimated at 75% to 80% of gross receipts - represents business expenditure that never constituted income in the hands of the Revisionist****. Even on the most generous application of the credit-as-income methodology adopted by the Ld. Family Court, only 20% to 25% of the gross credits - representing a reasonable estimate of net profit margin for a small manufacturing and trading unit of this nature - can properly be treated as the Revisionist's income. Applying this margin to the Ld. Family Court's own estimated monthly credit figure of Rs. 40,000/- to Rs. 50,000/- yields a net income in the range of Rs. 8,000/- to Rs. 12,500/- per month - a figure that is broadly consistent with the Revisionist's declared income, and which in no case supports a maintenance award of Rs. 18,000/per month. The Ld. Family Court's failure to apply any profit margin or expense deduction whatsoever to the gross credits it treated as income, proceeding on the legally and commercially indefensible footing that the Revisionist's business runs at 100% profit, vitiates the income estimate at its foundation and renders."*
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> [Emphasis supplied.]

7. Having heard Ms. Badhwar, I am of the view that there is no jurisdictional error or material illegality which justifies the exercise of this Court's revisional jurisdiction. It is apparent that the case pleaded by the petitioner before the Family Court was that he was a labourer/"*karigar*", whereas the case now sought to be projected is that he

runs a business of his own and that the credit entries noticed by the Family Court pertain to that business. The petitioner thus ran an entirely different case in his pleadings before the Family Court, which he now seeks to vary, in view of the bank statements placed before the Court. Such conduct does not lend *prima facie* credibility to his position.

8. The learned Family Court has, in the face of the evidence and in the absence of any Income Tax Returns, estimated that the petitioner earns about Rs. 40,000/- to Rs. 50,000/- per month and has computed the maintenance amount in light of this finding.

9. The main proceedings remain pending before the Family Court, and will be decided in accordance with law. For the present, I am unable to discern any error in the approach of the Family Court, particularly in view of the fact that the stand taken by the petitioner before the Family Court was clearly at variance with the evidence on record. Revisional jurisdiction is attracted only in cases of jurisdictional error or manifest illegality in the approach of the court[1]. No such foundation is laid in the present case.

10. The petition, alongwith the accompanying applications, is thus dismissed.

PRATEEK JALAN, J

APRIL 9, 2026
"SV/JM"/

[1] State of Gujarat v. Dilipsinh Kishorsinh Rao, (2023) 17 SCC 688, paragraph 14; Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460, paragraph 20.