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

+ **CRL.REV.P.(MAT.) 248/2026**

AAYAN KHAN

.....Petitioner

Through: Mr. Santosh Kumar Jha and Mr.
Ratnakar Martiyar, Advs.

versus

NEMAT JAHAN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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05.05.2026

CRL.M.A. 14083/2026 (*Delay of 110 days in filing the present petition*)

1. By virtue of the present application, the petitioner seeks condonation of delay of *110 days* in filing the present petition.

2. Considering the assertions made therein, the present application is allowed and the delay of *110 days* in filing the present petition is condoned.

3. The present application is disposed of.

CRL.REV.P.(MAT.) 248/2026, CRL.M.A. 14084/2026 (*Stay*),
CRL.M.A. 14085/2026 (*for exemption*)

4. By virtue of the present petition under *Section 438* read with *Section 442* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks the following reliefs:-

“(a) to set-aside/ amend/ modify the order dated 23.09.2025 and 03.04.2025 passed by Mr. Neeraj Gaur, *Ld. Judge, Family Court, North, Rohini Courts, Delhi in maintenance Case no. 359/2024 titled as "Nemat Jahan. Vs. Aayan Khan"*



in favour of the petitioner and against the respondent, in the interest of justice;

(b) allow the Petitioner to file his reply in the maintenance Case no. 359/2024 titled as Nemat Jahan. Vs. Aayan Khan" pending in the Court of Sh. Rajesh Kumar, Ld Judge Family Court (North) Rohini Courts Delhi, in the interest of justice;

(c) to pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts & circumstances of this case in favour of the petitioner and against the respondent, in the interest of justice."

5. Of the many grounds raised, learned counsel for petitioner primarily submits that the order(s) dated 23.09.2025 and 03.04.2025 in Case no. 359/2024 are liable to be set aside as the learned Judge, Family Court, North Rohini, Delhi (***learned Family Court***) erred by arbitrarily granting ad-interim maintenance of Rs.15,000/- to the respondent herein without considering the income of the petitioner as to how much the petitioner was earning and how much should be given to the respondent as maintenance as the petitioner was not able to file his affidavit of income and his defence was also struck off.

6. Considering the factual matrix involved, particularly since the proceedings are emanating from the matrimonial disputes *inter se* the husband and the wife, issuance of notice to the respondent is dispensed with. Further in view thereof, it is deemed appropriate, fit and proper for this Court to take a considerate view and allow the one/ sole opportunity to the petitioner to file his affidavit of income by and/ or on the next date of hearing before the learned Family Court, who, upon receipt thereof, shall freshly pass an order fixing *ad interim* maintenance, if any, after taking into consideration the same.



7. In the *interregnum*, the amount of *ad interim* maintenance of Rs.15,000/- per month awarded to the respondent by way of the impugned order is reduced to Rs.10,000/- per month to be paid by the petitioner till the fresh adjudication and fixing of the *ad interim* maintenance pursuant to the aforesaid directions.

8. As such, the present petition is allowed and the matter is remanded back with the aforesaid directions.

9. Let a copy of this order be sent to the concerned learned Family Court for information and compliance *forthwith*.

SAURABH BANERJEE, J.

MAY 05, 2026/bh