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

+ CRL.REV.P. 1164/2019, CRL.M.A. 39935/2019, CRL.M.A. 39936/2019

RAJ PAL

.....Petitioner

Through: Mr. Abhishek, Mr. Anubhav, Ms. Divya, Ms. Shreya, Mr. Shubham and Ms. Lakshita, Advs.

versus

CHANDERKALA

.....Respondent

Through: Ms. Yashna Malik, Adv. (through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

07.05.2026

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1. By virtue of the present petition filed under *Section 19(4)* of the Family Courts Acts, 1984 read with *Sections 397/401* of the Code of Criminal Procedure, 1973 (***Cr.P.C.***), the petitioner seeks setting aside of the impugned order of interim maintenance dated 23.07.2019, passed in Mt. No.5861846/2016 in the case titled “***Chanderkala vs. Rajpal***” by the learned Principal Judge Family Court, Central, Tis Hazari Courts (***learned Trial Court***).

2. *Succinctly put*, it is the case of the petitioner that the marriage between the parties was solemnized on 16.09.1996 and out of the wedlock, a son was born, who is currently an adult. Thereafter, due to some difference between the parties, the respondent left her matrimonial home along with their son as also initiated various proceedings pursuant thereto. During the pendency of the divorce petition filed by the petitioner,

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an application under *Section 24* of the Hindu Marriage Act, 1955 was made by the respondent, whereby *vide* order dated 16.01.2009, the learned Trial Court granted an interim maintenance of Rs.4,000/- per month to her.

3. Thereafter, the same was challenged by the petitioner, whereby, a Co-ordinate Bench of this Court in MAT.APP. 61/2011 *vide* order dated 11.12.2014, had directed the petitioner herein, in view of his affidavit/undertaking, to pay a total sum of Rs.5,50,000/- to the respondent herein as the full and final settlement of all the claims towards maintenance as also to pay a sum of Rs.5,500/- per month till the said settlement amount is paid. Thence, as the petitioner had failed to pay the said amount and was not maintaining the respondent and her son, an application under *Section 125(1)* of the Cr.P.C. was moved, wherein the learned Trial Court had granted Rs.25,000/- per month, as interim maintenance to be paid by the petitioner to the respondent *vide* order dated 23.07.2019.

4. Being aggrieved thereby, the petitioner has filed the present petition.

5. During the proceedings herein, though the parties were referred to Delhi High Court Mediation and Conciliation Centre (*DHCMCC*) for settling the dispute *inter-se* themselves, however, it failed as evident from the order dated 12.07.2023. In fact, *vide* order dated 10.09.2024, it is also recorded that “... ..the petitioner shall pay an amount of Rs.2 lakhs in 15 days to the respondent/ wife and the same shall accordingly be adjusted with respect to their respective rights and contentions... ..”. It is not in dispute that the petitioner had paid the same to the respondent *vide* order dated 17.03.2025.



6. Mr. Abhishek, learned counsel for the petitioner submits that the learned Trial Court erred by not taking into consideration the document(s) and the grounds raised by the petitioner therein and has failed to take into account that the respondent was/ is a working individual as also no proof(s) of her expenses had been filed before the learned Trial Court. Mr. Abhishek, learned counsel also submits that the petitioner has partly paid the settlement amount to respondent as the maintenance, as is evident from the order dated 17.03.2025.

7. *Per contra*, Ms. Yashna Malik, learned counsel for the respondent submits that the petitioner has neither paid the full amount of the final settlement, nor has he been paying any amount as per directions of this Court. Ms. Yashna Malik, learned counsel submits that even otherwise, the learned Trial Court had correctly fixed the interim maintenance based on the record as was before it, thus, the impugned order dated 23.07.2019 does not require interference from this Court, especially considering that the present matter falls under the revisional jurisdiction.

8. This Court has heard the learned counsel for the parties and carefully perused the documents on record.

9. A bare perusal of the impugned order reflects that the learned Trial Court, after hearing as also considering what was raised by learned counsel for the parties before it, in its order dated 23.07.2019, categorically recorded as under:-

“11. Without going into the merits and details of case, I am of the opinion that since the relationship of husband and wife is admitted by the respondent and it is also admitted that petitioner has no fixed means of earning, it is the duty of the respondent to maintain her. Considering the salary slip, as



placed on record by the respondent, his gross income is Rs. 41328/-. No explanation has been tendered by the respondent as to why he is not getting HRA nor has disclosed the address of the official accommodation and whether or not he is residing in the official accommodation? Therefore, for the purposes of calculating the total income of the respondent, amount of HRA is also to be added in his salary.

12. Along with that, income which would have been earned by the respondent by working as Poojari in temple, as admitted by him is also to be taken in his monthly income. As the respondent is also the owner of property no. J-1065 Jahangir Pun, Delhi, he must be having some rental income from that property, taking all these together the monthly income of Respondent can be considered to be approximately Rs. 60-70000/- per month, I am of the opinion that it is in the interest of justice that respondent be directed to pay amount of Rs. 25000/- to the petitioner as interim maintenance from the date of filing of the present petition and application for interim maintenance till the disposal of the petition. Along with that the petitioner is also entitled for litigation expenses to the tune of Rs. 30000/-."

10. A perusal of the impugned order further reflects that the same is a well-reasoned and detailed order, which does not require interference by this Court in revisional jurisdiction where the ambit itself is very limited. Since, for interfering, there has to be something glaringly perverse, illegal, improper or with inherent flaws therein, which is beyond perception or which no prudent person would have come to.

11. On merits also, this Court finds that the impugned order is only an interim order, which is subject to the final outcome thereof. Also, it cannot be disputed that much time has lapsed since passing of the impugned order. In fact, upon query, this Court has been apprised that presently the proceedings before the learned Trial Court are at the stage of final



arguments.

12. In view of the above, considering that the learned Trial Court has rendered detailed findings, based on the record and the circumstances before it *vide* the impugned order dated 23.07.2019, the present petition along with the pending applications, is hereby dismissed.

13. However, considering the stage at which the proceedings are pending before the learned Trial Court, the learned Trial Court is, directed to adjudicate upon the proceedings *inter-se* the parties by making an endeavour to pass the final judgment therein within a period of *three months* in accordance with law.

14. A copy of this order be sent to the concerned learned Trial Court for information and compliance *forthwith*.

SAURABH BANERJEE, J.

MAY 07, 2026/So