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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 157/2024**

AMIT VERMA

.....Petitioner

Through: Mr. Kuldeep Kumar and Mr. N.C.
Verma, Advs.

Versus

MAHESH CHAND VERMA

.....Respondent

Through: Mr. Deepak Issar, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **25.04.2026**

1. The present matter is being taken up today as 03.03.2026 was declared a holiday.
2. By virtue of the present petition under *Section 528* read with *Sections 438 & 442* of the *Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)*, the petitioner seeks setting aside of the impugned order dated 20.09.2024 passed in Mt. Case No.110/2022 titled '*Mahesh Chand Verma vs. Amit Verma*' by learned Judge Family Court-01, South West, Dwarka, New Delhi (*learned Family Court*).
3. *Succinctly put*, due to some differences the respondent (*father of the petitioner herein*) had broken all relationships and ties with the petitioner herein and had ousted him from all his immovable properties *vide* Public Notice dated 02.07.2020. Being aggrieved thereby, the petitioner as also his mother (*wife of the respondent*) made an application being Mt. Case



No.762/2021 seeking interim maintenance from the respondent. As a counterblast, the respondent also made an application under *Section 125* of the Code of Criminal Procedure, 1973 (**Cr.P.C.**) being Mt. Case No.110/2022 seeking interim maintenance from the petitioner herein, and the learned Family Court has awarded interim maintenance of Rs.5,200/- per month from the date of making the application *vide* impugned order dated 20.09.2024 therein.

4. As such, the present petition by the petitioner.

5. At the outset, Mr. Kuldeep Kumar, learned counsel for the petitioner submits that since the petitioner is presently unemployed and is not earning a penny as also the factum that the petitioner herein is bearing the monetary liability of his mother, unmarried sister and his wife, the impugned order is liable to be set aside. He submits that the income from pension as also the income from other rentals have not been considered by the learned Family Court and the respondent has concealed other sources of income. Therefore, the impugned order is liable to be set aside.

6. *Per contra*, Mr. Deepak Issar, learned counsel for the respondent, controverting the aforesaid contentions, submits that the impugned order is interlocutory in nature, having been passed on a *prima facie* assessment of the income affidavits and the immediate financial needs of the parties involved. Thus, the contentions raised by the petitioner herein cannot be adverted to at this stage, as the findings rendered in the impugned order is only tentative and remain subject to final adjudication. He submits that, even otherwise, the revisionary powers of this Court is limited to assessing the correctness/ perversity and legality of the order under challenge.

7. This Court has heard the learned counsel for the parties as also



perused the documents on record.

8. A bare perusal of the impugned order reflects that the learned Family Court, *vide* order dated 20.09.2024 has, after hearing learned counsel for the parties, categorically recorded as under:-

“(10) Respondent has not produced any document on record to show that petitioner is getting pension @ Rs 20,000/-pm or that he is getting rent @ Rs.15,000/-pm. Petitioner has admitted in his income affidavit that he is getting pension @ Rs.16884/- pm. On the other hand, respondent has admitted in his income affidavit that that he is earning Rs.2,45,000/- salary pm.

xxx xxx xxx

(13) Respondent has admitted that he is earning Rs.2,45,000/- pm & has liability to take care of his mother, unmarried sister and wife.”

9. In fact, coupled with the above, it is also recorded as under:-

“(8) According to Affidavits of Assets and Liabilities, respondent is BE(ECE)/Mtech/MSC and residing in rented accommodation. He is incurring Rs.1,58,522/- as his monthly expenses. His mother and sister are dependent on him. He is working as Engineer and getting Rs.2,45,000/-salary pm. He has liability to pay EMI Rs.27,533/-pm qua the personal loan.”

10. As is reflected therefrom, the learned Family Court has duly considered the material as also the contentions raised before it before passing a well-reasoned and detailed order.

11. Today, learned counsel for the petitioner seeks to challenge the impugned order by way of the present revision petition as the petitioner is unemployed, for which few documents have also been filed. The same, being based on a happening of a new event and is a fresh development which has taken place after the passing of the impugned order by the



learned Family Court, cannot be considered by this Court, and that too under the revisional jurisdiction. In any event, there is no appropriate proof thereof. Even otherwise, the same have to be tested for their worth. The petitioner is also free to take appropriate remedies by filing an application under *Section 127* of the CrPC in view of the change of circumstances before the learned Family Court. As such, said contention is rejected.

12. Regarding the issue qua non-consideration of certain factors raised by him qua dependence of his mother, wife and sister upon the petitioner by the learned Family Court while passing the impugned order, as the same is evident from the relevant extract of the impugned order hereinabove, the same is rejected.

13. It is also a trite law that while dealing with a revision petition, the Court is only to look into the facts and circumstances as were prevalent on the date of passing of the impugned order and not advert to subsequent facts, which, in itself, leads to change in circumstances. The Court herein is exercising revisional jurisdiction and is not sitting in an appellate jurisdiction. As held by the Hon'ble Supreme Court in ***Amit Kapoor vs. Ramesh Kumar Chandra***: (2012) 9 SCC 460 where the ambit itself is very limited and interference, if any, is permissible only whence there is some glaringly perversity, illegality, impropriety or there are inherent flaws in the impugned order, and that too of such a nature that no prudent person would have come to that conclusion.

14. This Court finds that much time has lapsed since passing of the impugned order, which is only an interim order, and this Court is told that presently the proceedings before the learned Family Court are at the stage



of evidence. Even otherwise the said impugned order is amenable to the final adjudication/ final judgement of the dispute between the parties therein.

15. In view of the above, considering that the learned Family Court has rendered detailed findings, based on the record and the circumstances before it *vide* the impugned order dated 20.09.2024, the present petition is hereby dismissed.

16. However, at this stage, the learned Family Court is, keeping the board position and pendency in mind, requested to adjudicate upon the proceedings *inter se* the parties by making an endeavour to pass the final judgment therein at the earliest in accordance with law.

SAURABH BANERJEE, J

APRIL 25, 2026/Ab