



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

% **Date of decision: April 08, 2026**

+ **CRL.REV.P. 1143/2019, CRL.M.A. 39473/2019, CRL.M.A. 39474/2019, CRL.M.A. 43322/2019, CRL.M.A. 5230/2023, CRL.M.A. 10849/2023, CRL.M.A. 10881/2023**

GURPREET SINGH SANDHUPetitioner
Through: Mr. Ashutosh Bhardwaj, Mr. Shashi
Prakash Dwivedi and Ms.
Aishwarya Saxena, Advocates

Versus

HARPREET KAUR @ SILKYRespondent
Through: Mr. Satish Kuma and Mr. Paramjeet
Singh, Advocates

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (O R A L)

1. *Succinctly put*, marriage between the parties was solemnized on 27.09.2009 in accordance with Sikh rites and customs at Delhi. No child was born out of the wedlock. With passage of time, the matrimonial relationship between the parties turned sour, and subsequently, as alleged by the petitioner, the respondent/ wife left the company of the petitioner on 06.01.2012 and has since been residing separately. Thereafter, the respondent filed an application under *Section 125* of the Code of Criminal Procedure, 1973 before the learned Family Court seeking maintenance, which culminated in passing of the impugned judgment dated 16.09.2019, after the parties had filed their respective affidavits of income, and were relegated to trial and after arguments were heard on their behalf. Vide the



impugned judgment, the learned Family Court has awarded maintenance of Rs.15,000/- per month to the respondent, which is payable by the petitioner herein.

2. Aggrieved thereby and assailing the impugned judgment, the petitioner is before this Court by way of the present revision petition.

3. In the aforesaid backdrop, learned counsel for petitioner submits that the learned Trial Court while passing the impugned judgment has failed to consider that the respondent is a qualified and established Dental Surgeon (MDS) running her own clinic as also working with various hospitals and is earning around Rs.3.6 lakhs per annum, which is evident from her Income Tax Returns. As per him, the respondent is fully capable of maintaining herself and is not entitled to any maintenance. He submits that the petitioner on the other hand is a person with limited means, having a monthly earning of approximately Rs.27,000/- and is also responsible for maintenance of his aged parents.

4. Learned counsel also submits that the respondent has deliberately deposed wrongly/ suppressed about material facts before the learned Trial Court as she has projected her income to be a meagre sum of Rs.5,000/- per month, whereas her Income Tax Returns, demonstrates that she is earning around Rs.3.6 lakhs per annum. He submits that during her cross-examination, the respondent has denied having a PAN card or being an income tax assessee, however, the evidence of the Income Tax Inspector, along with the Income Tax Returns placed on record, clearly establishes the existence thereof.

5. Learned counsel for the petitioner further submits that the respondent has voluntarily deserted the company of the petitioner without



any justifiable reason and is, therefore, not entitled to claim any maintenance. He also submits that the respondent has set up a false case regarding her residence by relying upon fabricated rent agreements in order to invoke the jurisdiction of the Delhi Courts, whereas she has, in fact, been residing at her parental home in Ghaziabad since the date of separation.

6. *Per contra*, learned counsel for the respondent submits that the impugned judgment is a well-reasoned, passed after due consideration of the entire material/ evidence on record, and does not suffer from any illegality or perversity, thereby warranting any interference from this Court. He submits that the learned Trial Court has rightly assessed the income of the respondent by applying the settled principles judicial precedents, and that mere qualification or some earning does not disentitle a wife from claiming maintenance unless it is shown that she is able to maintain herself in a manner commensurate with her status.

7. Learned counsel also submits that the allegations made by the petitioner regarding concealment of income, false evidence, and suppression of facts are baseless and devoid of merit and are liable to be rejected.

8. Lastly, learned counsel further submits that as the petitioner is in substantial arrears of maintenance and has failed to comply with the directions of this Court, the present petition is liable to be dismissed on this ground alone.

9. Heard learned counsel for the parties and perused the documents on record.

10. The present petition reveals that though the petitioner seeks to



challenge the impugned judgment on merits *qua* the quantum of maintenance @ Rs.15,000/- per month fixed by the learned Family Court in this revision petition, however, a perusal thereof reflects that the petitioner has merely trying to once again reagitate the same contentions which have been duly negated by the learned Family Court by a well-reasoned and speaking judgment. In fact, a perusal of the impugned judgment reflects that the learned Family Court has considered the pleadings of the parties, their respective affidavit of income(s), the evidence(s) led (and recorded) for and on behalf of the parties and lastly, after hearing the final arguments addressed by learned counsel for both the parties.

11. In any event, this is a revision petition wherein the scope itself is very limited, as per settled position of law, and as held by the Hon'ble Supreme Court in *Pyla Mutyalamma v. Pyla Suri Demudu:(2011) 12 SCC 189* and *Amit Kapoor v. Ramesh Chander:(2012) 9 SCC 460*, this Court is not to re-assess or re-appreciate the materials and/ or the evidence as was available on record before the learned Family Court and only interfere if there are any material illegalities and/ or irregularities. This Court finds no such assertions made and/ or grounds raised by the petitioner warranting interference by this Court in this petition.

12. Further, this Court finds that though, as per the assertions made, grounds raised herein and the arguments addressed *qua* them by learned counsel for petitioner, the (main) thrust of the petitioner herein is also upon the "*false evidence/ statement*" repeatedly made by the respondent before the learned Family Court. *Qua* these also, since the petitioner has not been able to make out any case for this Court to exercise its revisional



jurisdiction, the same are negated at the outset.

13. On merits, the learned Family Court after taking note of the fact that even though the respondent was/ is working as a Dentist and “... ..*is unlikely that with passage of time from her enrolment in 2011 till now, the petitioner would be getting Rs.5,000/- per month through her practice... ..*” as also “... ..*Her clinic is in slum area so there would not be any dearth of patients... ..*” and “... ..*The petitioner herself has claimed her monthly expenses as Rs. 20,000/- p.m. in Part-I. As per ITR, her estimated income is approximately Rs.30,000/- p.m. which seems to be understated*”, has, after a holistic appreciation of all the materials on record, proceeded to fix maintenance @ Rs.15,000/- per month on the settled legal principle that “... ..*even if the wife has the capacity and to earn but is not earning or is earning paltry amount, or earning temporarily the husband is bound to maintain the wife so that she can live with the same standard of life which she enjoyed with the husband... ..*” as “... ..*in view of Sunita Kuchwaha & Ors. Vs. Anil Kuchwala (2014) 16 SCC 715, SC and Reema Salkan Vs. Sumer Singh Salkan Crl. Appeal No.1220 of 2018 by Hon’ble Apex Court, the respondent (petitioner herein) cannot wriggle out from his responsibility to pay amount to his wife... ..*”. This is whence the petitioner himself had though disclosed in his affidavit of income and expenditure that “... ..*he has diploma in Mechanical Engineering and is PGDBA in sales & marketing and while working with HCIL, his monthly income is Rs.101384/-... ..*” but neither did he disclose his real income nor furnish his salary slip.

14. Lastly, as held in ***Shamima Farooqui v. Shahid Khan:(2015) 5 SCC 705***, ***Bhuwan Mohan Singh v. Meena:(2015) 6 SCC 353*** and ***Anju***



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Garg v. Deepak Kumar Garg:2022 SCC OnLine SC 1314, it is the duty of any husband like the petitioner herein to, under the existing circumstances, maintain the legally wedded wife like the respondent herein. Further, that the wife is capable of earning and/ or is actually earning, depends upon the surrounding facts and circumstances as also the status of the parties.

15. In these circumstances, determination of quantum of Rs.15,000/- per month towards maintenance to the respondent is a well-balanced and a plausible view taken by the learned Family Court warranting no interference by this Court, especially within the limited contours of revisional jurisdiction.

16. Accordingly, the present revision petition, along with pending applications, is dismissed in the aforesaid terms.

SAURABH BANERJEE, J

APRIL 8, 2026/rr