



2025:DHC:11158



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

% *Date of Decision: December 09, 2025*

+ **CRL.M.C. 1012/2020 & CRL.M.A. 4065/2020**

SANJAY KAMRAPetitioner

Through: Mr. Ritupran Chiyal &
Mr. Nayan Mishra, Advs.

versus

MONICA KAMRARespondent

Through: Ms. Puja Anand,
Mr. Piyush Sachdev & Ms.
Shweta Roy, Advs.

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+ **CRL.M.C. 1186/2020, CRL.M.A. 4611/2020, CRL.M.A.**
16953/2020, CRL.M.A. 1948/2021, CRL.M.A.
32812/2025 & CRL.M.A. 32813/2025

WG CDR. SANJAY KAMRAPetitioner

Through: Mr. Ritupran Chiyal &
Mr. Nayan Mishra, Advs.

versus

MS. MONICA KAMRARespondent

Through: Ms. Puja Anand,
Mr. Piyush Sachdev & Ms.
Shweta Roy, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. CRL. MC. 1012/2020 is filed against the orders dated 21.10.2019 and 13.01.2020 passed by the learned Metropolitan Magistrate in Ex. No. 121/2017.

2. CRL. MC. 1186/2020 is filed against the order dated 13.01.2020 passed by the learned Additional Sessions Judge passed in CA No. 497/2019 and order dated 21.10.2019 passed by the learned Metropolitan Magistrate in CC No. 4988999/2016.



3. By order dated 08.03.2017, the learned Magistrate in 4988999/2016 the application of the respondent under Section 23 of the Protection of Women from Domestic Violence Act, 2005, awarded ₹1,10,000/- per month as interim maintenance to the respondent comprising of ₹20,000 per month as maintenance for the respondent wife, ₹30,000/- per month each for the two daughters from the date of filing the maintenance application, that is November, 2014 and the balance ₹30,000 per month for rent payable by the petitioner from the date the complainant has taken/takes premises on rent.

4. Aggrieved by the aforesaid order, the petitioner filed an appeal before the learned Sessions Court which was dismissed *vide* order dated 14.05.2018.

5. Thereafter, the petitioner filed an application seeking modification of interim maintenance which was dismissed *vide* order dated 21.10.2019.

6. The petitioner filed an appeal before the learned Sessions Court against order dated 21.10.2019 being CA No. 497/2019 which was dismissed *vide* order dated 13.01.2020. This led to filing of CRL.M.C. 1186/2020 before this Court.

7. The learned Magistrate *vide* order dated 21.10.2019 in Ex No. 121/2017 observed that total amount involved in the Execution petition was ₹32,18,000/- out of which a total payment of ₹22,80,928/- had been made by the petitioner. The learned Magistrate held that whatever payments have been made by the petitioner other than directly to the respondent are voluntary and



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cannot be taken into consideration for the purpose of the execution petition.

8. By order dated 13.01.2020 in Ex No. 121/2017, the learned Magistrate observed that the net outstanding amount due towards the petitioner excluding the disputed amount is ₹9,37,072/- . This led to filing of CRL.M.C. 1012/2020

9. By order dated 16.09.2025, this Court directed the petitioner to continue paying a sum of ₹50,000/- per month from that date on account of the daughters of the petitioner being gainfully employed.

10. The petitioner by the present petition essentially seeks adjustments of payments made by the petitioner during the period between November 2014 to July 2017 and penal rent charges towards the occupation of the respondent of his official residence along with reduction of maintenance awarded to the respondent.

11. The learned counsel for the petitioner submits that the learned executing Court has erred in not considering that the Petitioner has paid a sum of ₹37,65,856/- towards the maintenance of the respondent and his daughters during the period between November 2014 to July 2017.

12. He submits that the payments made by the petitioner to the respondent during the period from November 2014 to July 2017 are in the nature of educational expenses, clothing and residence which fall within the meaning of maintenance and such payments ought to be adjusted.

13. He submits that the learned executing court has failed to



consider the penal rent amount to the tune of ₹5,49,000/- deducted from the pension benefits of the petitioner due to the respondent illegally occupying the official residence allowed to the petitioner.

14. He submits that the learned Sessions Court erroneously dismissed the appeal of the petitioner without directing the parties to file a fresh income affidavit when it was specifically averred that there has been a significant change in circumstance.

15. He submits that the total income of the petitioner was assessed as ₹3,06,518/- per month when interim maintenance of ₹1,10,000/- was granted to the respondent *vide* order dated 08.03.2017. He submits that thereafter the petitioner was forced to resign from his job at M/S Ericsson India Pvt. Ltd. as a false complaint was filed against him by the respondent. He submits that he was forced to start a company, namely, Troika Trans Solutions Pvt. Ltd. where his monthly salary is ₹50,000/- per month and additionally earns ₹80,000/- per month as pension and ₹18,500/- from rent, making his net income ₹1,53,000/- per month at present.

16. He submits that the elder daughter of the petitioner has been gainfully employed for the last five years and is not entitled to maintenance.

17. He submits that the younger daughter of the petitioner is also now gainfully employed.

18. He submits that after the order dated 16.09.2025 was passed, the respondent admitted in her cross examination that her current salary is ₹1,00,000/-.

19. He submits that the respondent is admittedly paying a sum



of only ₹23,000/- per month as rent while she has been awarded ₹30,000/- per month for rent.

20. The learned counsel for the respondent submits that the petitioner has consistently been in disobedience in compliance with the order of maintenance.

21. She submits that the learned executing court considered all the adjustments claimed by the petitioner and *vide* order dated 13.01.2020 held that ₹9,37,072/- excluding the disputed amounts was due and payable by the petitioner.

22. She submits that the conduct of the petitioner has been such that he does not deserve any indulgence from this Court and his petitions are liable to be dismissed.

23. I have heard the counsel and perused the record.

24. The learned magistrate while deciding the application of the respondent for interim maintenance noted that the respondent was earning about ₹45,000/- per month and the total income of the petitioner was ₹3,05,518/- per month. Hence, interim maintenance of ₹1,10,000 per month was awarded to the respondent including ₹20,000/- per month to the respondent, ₹30,000/- per month to each of the daughters and ₹30,000/- per month towards rent payable by the petitioner.

25. It is the contention of the petitioner that after the order granting interim maintenance was awarded, he was forced to resign from his job due to false complaints made by the respondent and his total income since January 2018 is only ₹1,53,900/- per month. It has also been stated that the respondent in her cross



examination, which was conducted after the order of this Court dated 16.09.2025 that her income is ₹1,00,000/- per month.

26. It is common knowledge and has been observed by this Court in many cases that it is a normal tendency of the parties, especially in matrimonial disputes to not disclose their true incomes. The Courts in such circumstances are permitted to make some guess work and arrive at a figure that a party may reasonably be earning. [Ref: *Bharat Hegde v. Saroj Hegde : 2007 SCC OnLine Del 622*] Thus, the possibility of the petitioner undermining his income to avoid paying maintenance of an appropriate amount to the respondent cannot be ruled out at this stage.

27. The learned Magistrate *vide* order dated 21.10.2019 noted that the petitioner had resigned from his job on 01.03.2017 and his company Troica Trans Solutions Pvt. Ltd. was incorporated on 05.08.2016, both of these circumstances were in existence prior to the passing of order dated 08.03.2017 in respect of which the modification had been sought. Further the same grounds had been raised by the petitioner before the learned Sessions Court in an appeal against the order dated 08.03.2017 and the same was dismissed. The order passed by learned Court of Sessions was never challenged by the petitioner.

28. The assessment of the actual income of the parties during different phases of the trial need not be dealt with at this stage and the same can be determined by the Trial Court while deciding the final maintenance, any adjustments can be sought at that stage.



29. Thus, in the opinion of this Court the assessment of the income of the petitioner by the learned Magistrate warrants no interference at this stage.

30. However, it is not disputed that the elder daughter of the petitioner has been gainfully employed since 2020 and the younger daughter has also now become gainfully employed.

31. This Court *vide* order dated 16.09.2025, directed the respondent to pay interim maintenance of ₹50,000/- per month to the respondent on account of both daughters of the petitioner becoming gainfully employed. Which included ₹20,000/- per month as maintenance to the respondent and ₹30,000 per month towards rent.

32. Considering the fact that the elder daughter of the petitioner has admittedly been gainfully employed only since 2020, the interim maintenance of ₹1,10,000/- per month shall remain the same till 31.12.2019. Thus, order of interim maintenance is not disturbed till 31.12.2019.

33. Thereafter, since the elder daughter of the petitioner became gainfully employed in 2020, she would not be entitled to maintenance and the petitioner shall be liable to pay interim maintenance of ₹80,000/- from 01.01.2020 till 15.09.2025, including ₹30,000 per month to the younger daughter, ₹20,000/- per month to the respondent and ₹30,000/- per month towards rent.

34. As noted by this Court *vide* order dated 16.09.2025, that both the daughters of the petitioner are now admittedly gainfully employed, hence the petitioner shall be liable to pay interim



maintenance of ₹50,000/- per month to the respondent from 16.09.2025 onwards including only ₹20,000/- per month as maintenance payable to the respondent and ₹30,000/- per month towards rent.

35. It is not disputed that the present order only relates to interim maintenance. The defences raised by the parties, along with the allegations and counter allegations, would be the subject matter of trial, and would have to be decided after the parties have led their evidence.

36. Thus, the orders dated 13.01.2020 in CA No. 497/2019 and 21.09.2019 in CC No. 4988999/2016 are set aside. The order dated 08.03.2017 is modified in the aforesaid terms.

37. The contentions of the petitioner regarding the appropriate deductions not being provided cannot be dealt by this Court at this stage. Whether the petitioner has paid any amount towards the maintenance of the respondent and his daughter which requires adjustment shall be looked into by the learned Trial Court at the time of awarding final maintenance or during proceedings for execution of the maintenance order. If any excess payments have been made by the petitioner the same can be adjusted at the time of deciding final maintenance.

38. Thus, no interference is warranted in orders dated 21.10.2019 and 13.01.2020 in Ex. No. 121/2017.

39. The learned Trial Court is directed to pass the final order uninfluenced by the observations made in this order.

40. The petitioner is at liberty to put these arguments in front of



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the Trial Court at the time of adjudication of final maintenance.

41. The learned Trial Court is directed to adjudicate the matter expeditiously.

42. The petitioner is at liberty to file an application seeking modification of interim maintenance if the trial is not concluded within the next six months.

43. The present petitions are disposed of in the aforesaid terms.

44. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

DECEMBER 9, 2025

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