



2025:DHC:11583



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

% *Date of Decision: December 17, 2025*

+ **CRL.REV.P.(MAT.) 554/2025, CRL.M.A. 36700/2025,
CRL.M.A. 36701/2025, CRL.M.A. 36751/2025**

SH. ANKIT PRAKASHPetitioner

Through: Mr. Anil Kumar Thakur,
Adv. through V.C.

versus

SMT YASHODARespondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present revision petition is filed by the petitioner husband challenging the order dated 21.10.2024 (hereafter '**impugned order**') passed by the learned Family Court, Patiala House Courts, New Delhi in MT No. 150/2023.

2. The learned Family Court by the impugned order allowed the application filed by respondent wife seeking interim maintenance and thereby directed the petitioner to pay a sum of ₹12,000/- per month as interim maintenance to the respondent till the final disposal of the case.

3. It is averred that the marriage between the petitioner and respondent was solemnized on 15.02.2021 as per Hindu rites and customs, whereafter, a child was born out of the said wedlock.

4. It is alleged that the respondent used to quarrel with the petitioner and his family, thereafter, on 13.04.2024 the



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respondent left her matrimonial home and the parties have been residing separately since then.

5. It is alleged that the petitioner is not permitted to meet his son and whenever the petitioner and his relatives visit the respondent to settle the dispute, the respondent does not wish to settle and abuses the petitioner as well as his relatives.

6. Subsequently, the respondent filed a petition under Section 125 of the Code of Criminal Procedure, 1973 ('CrPC') along with an application seeking interim maintenance from the petitioner.

7. As noted above, the learned Family Court *vide* the impugned order allowed the application filed by the respondent seeking interim maintenance. The learned Family Court noted that the petitioner had concealed his sources of income and had misled the Court by claiming to live in a rented accommodation which *prima facie* belonged to his mother. The learned Family thereby awarded interim maintenance of ₹12,000/- per month to the respondent till the final disposal of the case.

8. Aggrieved by the impugned order the petitioner has preferred the present petition.

9. The learned counsel for the petitioner submits the learned Family Court erred in assessing the income of the petitioner at ₹25,000/- to ₹30,000/- per month.

10. He submits that during the pendency of the proceedings the petitioner was admitted in a rehabilitation centre and is unemployed. He submits that in such circumstances, awarding an interim maintenance of ₹12,000/- per month is highly excessive.



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11. I have heard the learned counsel for the petitioner and perused the record.

Analysis

12. In the present case, the learned Family Court had assessed the income of the petitioner at 25,000/- to 30,000/- per month. The learned Family Court duly noted the fact that the petitioner had concealed his sources of income.

13. From a perusal of the impugned order, it can be seen that the petitioner had not filed his income tax returns of the relevant period in order to assess his income. Further, the petitioner had concealed about owning a stationery shop under the name of 'Honey Hut'.

14. Even otherwise, nothing has been placed on record by the petitioner before this Court in order to show that he is not earning the aforesaid income as assessed by the learned Family Court.

15. 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]. Considering the observations made by the learned Family Court in regard to the income of the petitioner, at this stage, *prima facie*, the assessment of the petitioner's income as ₹25,000/- to ₹30,000/- per month does not appear to be erroneous.

16. It is trite law that a husband cannot shirk his sacrosanct



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duty to financially support his wife [Ref. *Shamima Farooqui v. Shahid Khan* : (2015) 5 SCC 705]. Thus, it is incumbent on the petitioner, who is an able-bodied man, to financially support the respondent. Even otherwise, in the opinion of this Court, the interim monthly maintenance of ₹12,000/- per month is reasonable.

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

18. At this stage, the learned Family Court directing the petitioner to pay ₹12,000/- as interim maintenance to the respondent, considering the aforesaid circumstances cannot be faulted with.

19. In view of the above, this Court finds no reason to interfere with the impugned order, and the petition is dismissed in the aforesaid terms.

20. Pending Application(s), if any, also stand disposed of.

21. The learned Family Court is directed that the final order of maintenance be passed in the case uninfluenced by the findings made in the present order.

AMIT MAHAJAN, J

DECEMBER 17, 2025

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