



2025:DHC:8682-DB



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

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*Date of Decision: 25.09.2025*

+ MAT.APP.(F.C.) 174/2025, CM APPL. 48196/2025, CM APPL. 27696/2025, CM APPL. 59362/2025 and CM APPL. 59366/2025

KAMAL GUPTA

.....Appellant

Through: Mr. Rahul Lather, Mr. Vartul Vishnoi and Mr. Bhavnesh Dalal, Advs.

versus

NISHA GUPTA

.....Respondent

Through: Mr. Manish Jha Sr. Advocate along with Akshit Narula, Mr. Rohit Saraswat, Ms. Mansi Rose Taneja, Mr. Manya Dudeja and Mr. Himanshu Mishra, Advs.

+ MAT.APP.(F.C.) 339/2025 and CM APPL. 59230/2025

NISHA GUPTA

.....Appellant

Through: Mr. Manish Jha Sr. Advocate along with Akshit Narula, Mr. Rohit Saraswat, Ms. Mansi Rose Taneja, Mr. Manya Dudeja and Mr. Himanshu Mishra, Advs.

versus

KAMAL GUPTA

.....Respondent

Through: Mr. Rahul Lather, Mr. Vartul Vishnoi and Mr. Bhavnesh Dalal, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN  
SHANKAR**



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

**ANIL KSHETARPAL, J.**

**CM APPL. 59229/2025 [For seeking condonation of delay in filing the Appeal] in MAT. APP. (F.C.) 339/2025**

1. The present application has been filed by the Appellant seeking condonation of delay of 219 days in filing MAT. APP. (F.C.) 339/2025.
2. For the reasons as stated in the application, the delay is condoned.
3. The present application stands disposed of.

**CM APPL. 59231/2025 [Exemption] in MAT. APP. (F.C.) 339/2025**

4. Allowed, subject to all just exceptions.
5. The present Application is disposed of.

**MAT.APP.(F.C.) 174/2025, CM APPL. 48196/2025, CM APPL. 27696/2025, CM APPL. 59362/2025 and CM APPL. 59366/2025**

**MAT.APP.(F.C.) 339/2025 and CM APPL. 59230/2025**

6. These cross-Appeals filed by the parties assail the correctness of order dated 10.01.2025 [hereinafter referred to as 'Impugned Order'] passed by the Family Court. The only question which requires adjudication of this Court is the quantum of interim maintenance payable to the Respondent/Wife during the pendency of the proceedings before the Family Court.

7. The marriage between the parties was solemnized on 03.12.1997 and they were blessed with two male children, namely, MAT.APP.(F.C.) 174/2025 and connected matter



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Mr. Aditya Gupta (born on 08.12.1998) and Mr. Nikunj Gupta (born on 01.02.2005).

8. For the sake of convenience, the parties hereinafter are referred with their status in MAT.APP.(F.C.) 174/2025.

9. At the outset, it is noted that there is no claim for maintenance *qua* the elder son, Mr. Aditya Gupta, whereas, the younger son, Mr. Nikunj Gupta, is stated to be pursuing Bachelor of Technology and is currently in his 3<sup>rd</sup> year of college.

10. The Family Court assuming the monthly income of the Appellant/Husband to be Rs.1,50,000/- and incurring monthly expenses to the tune of Rs.75,000/- awarded an interim maintenance to the Respondent/Wife @ Rs.75,000/- per month.

11. Aggrieved by the Impugned Order, both the parties have filed their respective Appeals, the Respondent/Wife through her appeal is seeking an enhancement of the maintenance amount whereas the Appellant/Husband challenges the amount already granted as interim maintenance, stating it to be excessive.

12. Learned senior counsel representing the Respondent/Wife, while drawing the attention of this Court to the statement of accounts of the Appellant/Husband and the turnover of M/s Kamal Auto Industry [hereinafter referred to as “the Firm”] to the tune of Rs.6.6 Crores per annum, submits that the Family Court has erred in granting a meagre amount of Rs.75,000/- per month as maintenance.

13. *Per contra*, learned counsel representing the Appellant/Husband



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submits that the Appellant/Husband is a partner and holds share to the tune of 50% in the Firm. It is further submitted that the Firm is manufacturer of auto cables in a factory located at Anand Parbat, Delhi and earns approximately Rs.6.50 Lakhs per year, as the total income of the firm is Rs.13 Lakhs per year.

14. However, it has been noticed that the Appellant/Husband has as many as 07 bank accounts apart from various Credit and Debit Cards issued in his name.

15. The Respondent/Wife has also submitted a tabulated compilation, showing that Rs.91 Lakhs were deposited in the bank account of the Appellant/Husband over the last 02 years.

16. It is observed that the Appellant/Husband has also invested Rs.16 Lakhs by a single transaction as an investment in mutual funds.

17. The turnover of the Firm to the tune of Rs.6.6 Crores, is not in dispute. The Appellant/Husband is a partner to the extent of 50% in the Firm, whereas the remaining 50% belongs to his brother.

18. Further, the Appellant/Husband has also gifted a flat to his brother, namely, Mr. Ankush Gupta *via* a gift deed dated 21.05.2018.

19. At this stage, while this Court is not required to make exact calculation, it is permissible to draw reasonable inferences and/or presumptions on the basis of documents perused to determine the actual financial capacity of the Appellant/Husband.

20. It is evident that the Appellant/Husband along with his brother



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is manufacturer of auto cables in factory located in Delhi, having a turnover of more than Rs.6.5 Crores. Even if a conservative approach is adopted, the income from the Firm as also disclosed by the Appellant/Husband is not correct.

21. The Appellant/Husband is a man of resources and has also gifted a flat to his brother.

22. In these circumstances, ends of justice would be met if, the Appellant/Husband is directed to pay Rs.1.5 Lakhs per month from the date of filing of the application, as maintenance *pendente lite*. This amount shall continue to be paid to the Respondent/Wife till the younger son starts earning. Thereafter, the amount shall be reduced to Rs.1 Lakh per month.

23. With these observations, the cross-Appeals, along with the pending applications, stand disposed of.

**ANIL KSHETARPAL, J**

**HARISH VAIDYANATHAN SHANKAR, J**

**SEPTEMBER 25, 2025**

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