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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 27th May, 2025*+ **CRL.REV.P.(MAT.) 255/2025, CRL.M.A. 16679/2025,
CRL.M.A. 16680/2025 & CRL.M.A. 16681/2025**

MRS NEELIMA CHADHAPetitioner
Through: Mr. Mohit Taneja, Advocate

versus

JATINDER TALWAR ALIAS MICKEY TALWARRespondent
Through:

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U G D M E N T (oral)

1. Revision Petition under Sections 438/442/401/397 read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed to set aside the Order dated 27.01.2025 whereby the Petitioner has been granted interim maintenance in the sum of Rs.15,000/- per month, in M.T. No. 585/2022 under Section 125 Cr.P.C.
2. ***Briefly stated***, Petitioner got married to the Respondent according to Hindu Rites and Customs on 01.02.2017. Immediately thereafter, the Respondent/husband went to New Zealand for his professional commitment, while the Petitioner stayed back at her matrimonial home i.e. A-88, Hari Nagar, New Delhi. Petitioner then after about three months, travelled to New Zealand on 30.05.2017 where she resided with the Respondent in Hamilton, New Zealand as husband and wife. Petitioner- Mrs. Neelima returned to India on 24.03.2018. No child was born from their wedlock.



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3. The Respondent asserted that from June, 2011 till July, 2017, she accidentally saw some e-mails, which Respondent had forwarded to various email ids for seeking sexual favours even after their marriage. Such sexual favours were also meant for earning money through dirty talks.

4. In around October, 2017, facing physical and mental torture and abuse from Respondent/husband, she decided to make arrangements for her living and started searching for a job in New Zealand so that she could make some money for living and make the Respondent happy, but she was not supported by the Respondent in her endeavour. In the month of March, 2018, she accepted the job of a Cleaner at a Cleaning Agency to meet her daily expenses since the Respondent had stopped everything to support her living.

5. On 23.03.2018, Petitioner-Neelima sent an email to Indian High Commission apprising about the evil actions of the Respondent. On 24.03.2018, the Respondent with intent to get rid of the Petitioner and to save himself from the action of Indian High Commission, made a false Complaint against the Petitioner to New Zealand Police, who had shifted the Petitioner to YWCA Hostel in Hamilton.

6. She then registered a complaint dated 26.03.2018 at Central, Walkato, New Zealand. On 28.03.2018, the Indian High Commission made an attempt for counselling session in Hamilton along with two Social Workers from Shama Ethnic Centre, but Respondent refused to attend the same. Petitioner was allowed to take her belongings from the house of the Respondent at Keston Crescent, New Zealand, but she was shocked to see that all her wearable jewellery, footwears, bags, some cash and other articles except the clothes, had been removed by the Respondent. Father of the Petitioner also



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made a Complaint against Respondent and his family members to Ministry of Women and Child Development, Shastri Bhawan, Delhi.

7. On 16.05.2018, a Letter of Support was issued to Petitioner, when she was thrown out of her matrimonial home at Hamilton by the Respondent, to ensure support to her as she was without any shelter in New Zealand. On 17.05.2018, she was granted temporary protection by an Order from New Zealand Court. She filed Complaint and other cases against the Respondent and his family members in India and thereafter, came back to India.

8. In October, 2018, Respondent was working as a Support Worker for mentally disabled people at Spectrum Care Trust, New Zealand and earning minimum 3680 Dollars (i.e. Rs.2,57,600/- @ Rs.70 per Dollar) per month but no monthly expenses were provided to the Petitioner. In June, 2018, she returned to India and even then nothing was provided to the Petitioner for her household expenses and for her survival.

9. The Petitioner claimed in her Petition under Section 125 Cr.P.C. that the Respondent has not disclosed his correct income in his Affidavit of Income. He is an owner of a car and was having job from June, 2020 to February, 2021. He has not disclosed his place of work and nothing material has been placed on record to show that he was not having any income since he has shifted to New Zealand from the year 2014.

10. The Petitioner further explained that she has done Masters in Gender Studies and has applied for Ph.D. in the same course. She has already incurred expenses of such courses which have been paid by her parents and now she would be able to secure a job in Delhi. Copy of Bank Statement has been annexed along with the Petition.

11. It is further asserted that parents of the Respondent/husband are



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residing in Mayapuri, Delhi and have a house of worth Rs.15 crores approximately. They are also having rental income of Rs.2,00,000/- approximately, which speaks of their financial and social status and proves that the Respondent is a man of means and resources. The income status of the Respondent is to the tune of Rs.4.5 lacs per month, as per the Statement of Bank Account.

12. The Petitioner has explained that she is staying with her old aged parent having inadequate and insufficient resources and savings in hands, who has to now shoulder this additional responsibility of the Petitioner. She is unable to maintain herself with such insufficient and inadequate resources and is totally dependent on her parents.

13. The Respondent on the other hand, has sufficient financial means and also has the legal obligations raised to maintain his wife/Petitioner. She has been deliberately and intentionally abandoned by the Respondent, who has failed to fulfil his responsibilities. He is leading a life of extravagant in New Zealand ,wholly ignoring his obligations towards the Petitioner.

14. ***FIR No. 0009/2019 under Sections 498A/406/34 IPC*** was registered at P.S. Nanakpura on 13.03.2019 against the Respondent and his family members.

15. Thereafter, she preferred a Petition under Section 125 Cr.P.C. in August, 2019 and also moved an Application for interim maintenance. The Application was allowed on 22.11.2023 *vide* which a sum of Rs.10,000/- as *ad interim maintenance* was granted to her from December, 2023, though Respondent did not pay any amount except a total sum of Rs.20,000/-.

16. This Order was challenged by the Respondent before the Family Court, Delhi whereby the interim maintenance has been enhanced to



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Rs.15,000/- per month. The arrears have arisen since prior to December, 2023, which were directed to be paid within a period of six months from 27.01.2025. The Respondent has failed to comply with the directions and has not deposited any amount.

17. The present Petition has been filed *to challenge the Interim Order dated 27.01.2025* on the ground that it is cryptic and improper and has been made without considering the income Affidavit and the assertions made in the Petition. A sum of Rs.80,000/- per month was claimed by the Petitioner since he is earning more than Rs.2,50,000/- per month in New Zealand, which has been completely ignored by the learned Trial Court.

18. Hence, aggrieved by the Impugned Order, the present Revision Petition has been filed. A *prayer* is therefore, made that the Impugned Order be set aside and the Respondent be directed to pay her Rs.1.5 Lacs per month from the date of filing of the Petition i.e. 29.08.2019 till the disposal of the main Petition.

19. **Submissions heard and record perused.**

20. Admittedly, the parties got married on 01.02.2017 and the Respondent/husband immediately after seven days of marriage, went to New Zealand for his professional commitments. The Petitioner also joined him in New Zealand after about 03 months. She remained in New Zealand for about nine months till 24.03.2018 after which she came back to India. According to her allegations, she was subjected to cruelty and had been abandoned and made to leave matrimonial home in New Zealand and had to seek assistance of Indian High Commission to be able to come back to India.

21. The parties are separated since March, 2018 and since then, the Petitioner has been residing in India along with her mother and brother as



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her father has already died.

22. As per the Petitioner, the Respondent is earning about Rs.2.5 lacs per month as his income is stated to be 3680 Dollars, which come to Rs.2,57,000/- per month approximately. However, it has been rightly observed by the learned Judge, Family Court that though Respondent has been receiving a considerable amount in his bank account, the cost of living in New Zealand as compared to India is high.

23. The income of the Respondent is in Dollars while residing in New Zealand, evidently his expenditure would also be in Dollars. The earnings of the Respondent in Dollars cannot be converted into Rupee and thus, considered his income according to the Indian standard. The considerable amount of this 3680 Dollars would definitely be spent by the Respondent on his own personal expenditure. Looking at his income and his base being in New Zealand, it cannot be said that the learned Judge, Family Court has failed to consider the income of the Respondent in the right perspective.

24. It cannot be overlooked that since her return to India, the Petitioner has completed Masters in Gender Studies and is now doing Ph.D. She is a capable and competent woman, who is acquiring higher education with intent to able to secure her future. It cannot be overlooked that while she was in New Zealand, she had taken up a job to support herself. Therefore, in these circumstances, it cannot be said that she does not have some earning capacity.

25. The learned Judge, Family Court has rightly appreciated the circumstances of both the parties to enhance the interim maintenance to Rs.15,000/- per month from the date of institution of the Petition. Additionally, the directions have been given to make good the arrears of



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maintenance till the date of Order, on a monthly basis.

26. Before concluding, it is pertinent to observe that this is only an Interim Maintenance Order till the disposal of the final Petition. In case either of the parties is able to bring in further proof of income or expenditure, it is obvious that the same will be considered while making the final Order.

27. In the light of above discussions, it is held that there is no infirmity in the Impugned Order and the present Petition along with pending Applications is hereby dismissed.

**NEENA BANSAL KRISHNA
(JUDGE)**

MAY 27, 2025

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