



2026:DHC:7404



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

Reserved on: 03.08.2026

Pronounced on: 01.09.2026

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CNR No. DLHC010345442026

+ **CRL.REV.P.(MAT.) 425/2026 & CRL.M.As. 22997-22998/2026**

SHRI MANAV TANDON

.....Petitioner

Through: Mr. Ashok Taneja, Advocate with
petitioner in person.

versus

SIDHI LUTHRA & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

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JUDGMENT

1. By way of this petition under Sections 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner - husband assails an order dated 11.05.2026, passed by the Family Court, whereby interim maintenance of Rs. 75,000/- was granted in favour of respondent No. 1 – wife and respondent No. 2 – their minor son.

2. I have heard Mr. Ashok Taneja, learned counsel for the petitioner.

3. The marriage between petitioner and respondent No. 1 was solemnised on 21.04.2019, in accordance with Hindu rites and customs. A son was born from the wedlock on 11.09.2023. The petitioner and respondent No. 1 started living separately from 10.06.2025.



4. Thereafter, the respondents filed a petition under Section 125 of the Code of Criminal Procedure, 1973 [“CrPC”] before the Family Court seeking maintenance from the petitioner. In the said petition, respondents averred that their monthly expenses were to the tune of Rs. 1,50,000/-, and that the income of the petitioner was around Rs. 32-35 lakhs per annum.

5. By the impugned order dated 11.05.2026, the Family Court directed the petitioner to pay interim maintenance of Rs. 75,000/- per month to the respondents [Rs. 37,500/- for each respondent] from the date of filing the application till disposal of the petition. Relevant observations from the Family Court have been reproduced hereinbelow:

*“6. At this preliminary stage, it would not be appropriate to delve into merits of this case so as to ascertain as to which party was guilty of matrimonial offence, if any. It is a matter of general experience that in matrimonial disputes, parties are used to inflating expenses and deflating their incomes. It is an admitted position that the parties are not living with each other since long. Having perused the records and having considered the above submissions, this Court finds that **respondent has not placed any record to suggest that the petitioner No. 1 is earning anything.** Infact the bank statement placed on record by petitioner no. 1 corroborates the above observation. On the other hand, this court notes that the **bank statement placed on record by respondent reflects credit of Rs. 1,70,000/- per month in favour of respondent from HCL Technologies Ltd. That apart, this court notes that in every June (month), an even larger sum is credited in favour of the respondent by HCL Technologies Ltd..** Also, respondent seems to have been transferring large funds on a regular basis in favour of ‘Manu’/‘Manav Tandon’/‘MAA’. He has not bothered to explain the said debits made from his bank accounts. Admittedly, **respondent has not placed on record his ITRs or his salary slips** despite oral directions passed by this court earlier in the day. Given the above facts and circumstances, this court finds it appropriate to hold that the **respondent is earning at-least Rs. 2 lakhs per month.** Admittedly, respondent has not placed on record any details of the ‘loan’ availed by him.*

*7. As such, after deducting the sum of Rs.50,000/- being paid by the respondent to his parents for their maintenance on a monthly basis, the **petitioners are held entitled to maintenance @ Rs.75,000/- per month***



(Rs.37,500/- for each petitioner) from the date of filing of the application till the disposal of the petition filed by petitioners. Arrears, over and above Rs.75,000/- be paid deposited in the bank account of petitioners by the respondent within a period of five months from today. The respondent is further directed to pay monthly maintenance from the month of May, 2026 itself on or before 20th day of this month. Thereafter, from the month of June, 2026 the said amount be paid on or before 10th day of each English calendar month. Needless to add that if any payment has been made by the respondent to petitioners towards ad-interim maintenance/ interim maintenance i.e., after filing of the present petition in any Court, then the same shall be adjusted against the above dues.”¹

6. Mr. Taneja submitted that the Trial Court erred in assessing the petitioner’s monthly income at Rs. 2 lakhs. He relies upon the petitioner’s salary slips for February 2026 and June 2026 [Annexure P-5], reflecting a net monthly income of Rs. 1.68 lakhs and Rs. 1.76 lakhs, respectively, and his ITR for Assessment Year 2025–26, which reflects a total annual income of Rs. 17,81,310/-. He further submitted that directing the petitioner to pay 50% of his income to the respondents is excessive, particularly as his financial liabilities, including a housing loan, expenses towards his dependent parents, and necessary personal expenses, have not been duly considered.

7. Mr. Taneja further submitted that respondent No. 1 is a qualified teacher who used to work in a school and is presently undertaking private tuitions and earning therefrom. He therefore contended that her earning capacity and ability to maintain herself ought to have been taken into account while determining the quantum of maintenance.

8. Having heard Mr. Taneja, and considering the material on record, I find no ground warranting interference with the impugned order of interim maintenance in exercise of the revisional jurisdiction of this

¹ Emphasis supplied.



Court. The scope of such jurisdiction is limited and does not extend to reappreciation of evidence or reassessment of factual findings, except where the impugned order suffers from a jurisdictional error or material irregularity. In this regard, reference may be made to the judgment of the Supreme Court in *Amit Kapoor v. Ramesh Chander & Anr.*², which observed as follows:

“12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

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18. It may also be noticed that the revisional jurisdiction exercised by the High Court is in a way final and no inter court remedy is available in such cases. Of course, it may be subject to jurisdiction of this Court under Article 136 of the Constitution of India. Normally, a revisional jurisdiction should be exercised on a question of law. However, when factual appreciation is involved, then it must find place in the class of cases resulting in a perverse finding. Basically, the power is required to be exercised so that justice is done and there is no abuse of power by the court. Merely an apprehension or suspicion of the same would not be a sufficient ground for interference in such cases.

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20. The jurisdiction of the court under Section 397 can be exercised so as to examine the correctness, legality or propriety of an order passed by the trial court or the inferior court, as the case may be. Though the section does not specifically use the expression “prevent abuse of process of any court or otherwise to secure the ends of justice”, the jurisdiction under Section 397 is a very limited one. The legality, propriety or correctness of an order

² (2012) 9 SCC 460.



passed by a court is the very foundation of exercise of jurisdiction under Section 397 but ultimately it also requires justice to be done. The jurisdiction could be exercised where there is palpable error, non-compliance with the provisions of law, the decision is completely erroneous or where the judicial discretion is exercised arbitrarily.....”

The same has been reiterated in *State of Gujarat v. Dilipsinh Kishorsinh Rao*³.

9. It is well settled that the object of Section 125 Cr.P.C. is to prevent destitution of the wife and children. The provision is intended to secure the basic sustenance and dignity of the wife and children and to ensure that a husband does not evade his moral and familial obligation to maintain them despite having sufficient means to do so. In *Bhuwan Mohan Singh v. Meena & Ors.*⁴, the Supreme Court held as follows:

“2. Be it ingeminated that Section 125 of the Code of Criminal Procedure (for short “the Code”) was conceived to ameliorate the agony, anguish, financial suffering of a woman who left her matrimonial home for the reasons provided in the provision so that some suitable arrangements can be made by the court and she can sustain herself and also her children if they are with her. The concept of sustenance does not necessarily mean to lead the life of an animal, feel like an unperson to be thrown away from grace and roam for her basic maintenance somewhere else. She is entitled in law to lead a life in the similar manner as she would have lived in the house of her husband. That is where the status and strata come into play, and that is where the obligations of the husband, in case of a wife, become a prominent one. In a proceeding of this nature, the husband cannot take subterfuges to deprive her of the benefit of living with dignity. Regard being had to the solemn pledge at the time of marriage and also in consonance with the statutory law that governs the field, it is the obligation of the husband to see that the wife does not become a destitute, a beggar. A situation is not to be maladroitly created whereunder she is compelled to resign to her fate and think of life “dust unto dust”. It is totally impermissible. In fact, it is the sacrosanct duty to render the financial support even if the husband is required to earn money with physical labour, if he is able-bodied. There is no escape route unless there is an order from

³ (2023) 17 SCC 688.

⁴ (2015) 6 SCC 353.



the court that the wife is not entitled to get maintenance from the husband on any legally permissible grounds.”

10. Accordingly, while determining interim maintenance, the Court is required to balance the needs of the wife and minor child with the financial capacity and existing obligations of the husband.

11. In the present case, the Family Court estimated the petitioner's monthly income at Rs. 2 lakhs for the purpose of determining interim maintenance, in absence of the petitioner's salary slips or ITRs. As regards the petitioner's contention that respondent No. 1 is earning through private tuitions, no material was placed before the Family Court establishing her income. Similarly, although the petitioner claimed to be servicing a housing loan, no document was produced before the Family Court in respect of such liability. The Family Court, however, took into account the petitioner's obligation towards his parents and deducted a sum of Rs. 50,000/- per month on that account while determining the interim maintenance.

12. Considering that the maintenance is awarded for the wife, as well as the minor child, the amount of Rs. 75,000/- per month, cannot, in the circumstances, be said to be excessive or disproportionate.

13. The impugned order concerns only interim maintenance, and the aforesaid assessment was made on the material available before the Family Court at that stage. The actual income and liabilities of the petitioner, the earning capacity of respondent No. 1, and the entitlement to maintenance would ultimately be determined on the basis of the evidence and material brought on record during the proceedings, in accordance with law. In these circumstances, the assessment made by the



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Family Court cannot be said to suffer from any jurisdictional error or material irregularity warranting exercise of the revisional jurisdiction of this Court.

14. The petition, alongwith pending applications, is accordingly, dismissed, without prejudice to the rights and contentions of the parties before the Family Court.

PRATEEK JALAN, J

SEPTEMBER 1, 2026

B/AD/