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

Reserved on: 10.09.2026
Pronounced on: 28.09.2026
Uploaded on: 28.09.2026

\# **CNR No. DLHC010428082026**

\+ CRL.REV.P.(MAT.) 531/2026 & CRL.M.As. 28023-28026/2026

NAV RATAN SHARMA .....Petitioner
Through: Mr. Umesh Choubey, Advocate.

versus

CHETNA AND ANR & ANR. .....Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

1. By way of the present petition, the petitioner – husband assails a judgment dated 01.04.2026, whereby the Family Court awarded maintenance of Rs. 7,500/- per month each in favour of the respondents – wife and minor child.

2. As recorded in the order dated 10.09.2026, the petitioner confined the relief claimed to prayer (b) of the petition, which reads as follows:

> "*b. Set aside the fixing of the salary of the revisionist @ Rs.30,000/-pm and be considered Rs.25000pm only*"

3. I have heard Mr. Umesh Choubey, learned counsel for the petitioner.

4. The marriage between the petitioner and respondent No. 1 was solemnised on 21.01.2015. One child [respondent No. 2 herein] was born from the wedlock. However, due to matrimonial discord between the parties, they started living separately.

5. Subsequently, the subject proceedings[1] were instituted at the instance of respondent No. 1 under Section 125 of the Code of Criminal Procedure, 1973, seeking maintenance for herself and respondent No. 2. The respondents claimed that the petitioner was employed with the Ministry of Rural Development, Government of India, New Delhi, and was earning approximately Rs. 35,000/- per month.

6. By order dated 01.04.2023, the petitioner was directed to pay interim maintenance to the respondents at the rate of Rs. 6,500/- per month, payable from 16.01.2021 till disposal of the petition.

7. Thereafter, *vide* the impugned judgment dated 01.04.2026, the Family Court assessed the petitioner's monthly income at Rs. 30,000/-, and directed him to pay Rs. 15,000/- per month to the respondents [Rs.7,500/- each] from the date of the order until they are legally entitled to receive the same. The relevant observations of the Family Court are reproduced hereinbelow:

> "*34. However, to evade his responsibility and liability to maintain the petitioners, respondent/RW-1 repeatedly emphasised in his reply to petition U/s 125 Cr.PC and evidence of affidavit (Ex. RW-1/A) filed on 28.08.2024 that his in-laws had filed a RTI at his workplace i.e. Department of Land Resource and due to the said RTI, the respondent was compelled to resign from his job, whereafter he became unemployed. He also stated that since then, he was unable to find any job and has been suffering from financial crises, therefore, he was not liable to pay any maintenance to the petitioners. In his cross-examination dated*

[1] Maintenance Petition No. 30/2021: *Chetna v. Nav Ratan Sharma*.

02.09.2024, he reaffirmed that at the time of marriage, he was working with Ministry of Land Resources as Data Entry Operator but contradicted his own statement that he had resigned. He stated that he was terminated because of the complaint made by the petitioner no. 1 in June, 2020. He also denied the suggestion that he voluntarily left the job since he had got a better job. Admittedly, the respondent/RW-1 did not file any termination letter, which belies his testimony that he was terminated. He further stated that since then he was unemployed and his father too was unemployed. Furthermore, the family of respondent comprising of 3 persons were surviving on the rental income of Rs. 8,500/- p.m.

*35. **The record reflects that the deposition of respondent/RW-1 was subsequently proved to be blatantly false by petitioner no. 1, when she examined PW-2/Sh. Kabir Kain, Assistant Manager from SBI, Mukherjee Nagar Branch, who proved the Statement of Account of Nav Ratan Sharma/respondent** bearing account no. 38860980157 w.e.f. 21.10.2021 to 28.02.2025 as Ex. PW-2/1. **It is noteworthy that the respondent had concealed the existence of his account held by him in SBI, Mukerjee Nagar Branch in his sworn affidavit of assets and liabilities. The respondent had given information of only one account ICICI bearing saving account no. XXXXX1292 at Bahadur Shah Zafar Marg, Delhi.***

*36. **Subsequently on a court query put to the respondent during trial, respondent unequivocally admitted that from May, 2023 to November, 2025, he was employed with Onkar International and was earning Rs. 22,000/- p.m and from 15.12.2025, he was employed with Rama Vision, Rama Road, New Delhi and earning Rs. 25,000/- p.m.***

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*38. Even though, the respondent on a court query admitted that presently he was earning only Rs.25,000/- p.m., no documentary evidence was placed on record to substantiate that the respondent was earning only Rs.25,000/- p.m. at Rama Vision. **Considering the fact that the husbands seldom disclose their true income and make every effort to conceal their income, in view of the foregoing discussion, the monthly income of respondent is assessed as Rs.30,000/- p.m**. The respondent in his affidavit of assets and liabilities had categorically stated that all his expenses were borne by his parents, meaning thereby his parents were independent. Respondent is also able bodied and physically fit and is capable of maintaining the liability of petitioners."*[2]

8. In support of the present petition, Mr. Choubey submitted that, when the petitioner filed his reply to the maintenance petition, his

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[2] Emphasis supplied.

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monthly income was Rs. 12,000/-, which had subsequently increased to Rs.25,000/-, as admitted before the Family Court. He submitted that, in the absence of any material on record to show that the petitioner's monthly income was Rs. 30,000/-, the Family Court erred in assessing his income at the said amount. However, learned counsel accepted that the petitioner had failed to place on record an updated affidavit of income and liabilities before the Family Court.

9. Having heard Mr. Choubey and perused the material on record, I am of the view that no case is made out for interference with the impugned order of maintenance in exercise of the revisional jurisdiction of this Court. The scope of such jurisdiction is limited, and does not permit reappreciation of evidence or reassessment of findings of fact, unless the order under challenge suffers from a jurisdictional error or material irregularity. Reference in this connection may be made to the judgment of the Supreme Court in *Amit Kapoor v. Ramesh Chander*[3], which distils the principles governing the exercise of revisional jurisdiction in the following terms:

> "***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*

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[3] (2012) 9 SCC 460.

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 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. On the other hand, Section 482 is based upon the maxim quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest i.e. when the law gives anything to anyone, it also gives all those things without which the thing itself would be unavoidable. The section confers very wide power on the Court to do justice and to ensure that the process of the court is not permitted to be abused."*[4]

The aforesaid view has been reiterated by the Supreme Court in *State of Gujarat v. Dilipsinh Kishorsinh Rao*[5].

10. It is also well settled that the exercise of revisional jurisdiction is discretionary and cannot be claimed as a matter of right. Reference in this

[4] Emphasis supplied.
[5] (2023) 17 SCC 688, paragraph 14.

connection may be made to the judgment of a three-Judge Bench of the Supreme Court in *Girish Kumar Suneja v. CBI*[6].

11. In the present case, the Family Court, while determining the petitioner's income, relied upon the reply filed by the petitioner as well as the evidence led by the parties. In his reply to the maintenance petition, evidence affidavit dated 28.08.2024 and cross-examination conducted on 02.09.2024, the petitioner stated that his employment had been terminated pursuant to a complaint made by respondent No. 1 in June 2020 and that he had remained unemployed thereafter. He further stated that his family, comprising three persons [himself and his parents], was being maintained from rental income of Rs. 8,500/- per month. However, the respondents examined an official from State Bank of India ["SBI"], who produced the petitioner's bank account statement maintained with the said Bank, which demonstrated that the petitioner had deposed falsely. He had concealed the existence of the bank account altogether.

12. Subsequently, upon a query put by the Court, the petitioner admitted that he had been employed with Onkar International from May 2023 to November 2025, earning Rs. 22,000/- per month, and had thereafter joined Rama Vision on 15.12.2025 at a monthly salary of Rs. 25,000/-.

13. The petitioner, therefore, took inconsistent stands with regard to his employment and income before the Family Court. Significantly, the petitioner also failed to disclose the bank account maintained with SBI in his affidavit of assets and liabilities, and did not place his latest salary slips on record. In these circumstances, the Family Court was justified in

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[6] (2017) 14 SCC 809, paragraph 11.

drawing an adverse inference regarding the petitioner's income, which is consistent with the principles governing disclosure of income and assets laid down by the Supreme Court in *Rajnesh v. Neha*[7]. The petitioner's own conduct showed that the Family Court's observations with regard to concealment of income, were applicable to him. In these circumstances, I find no error in the approach of the Family Court.

14. Further, even taking the petitioner's case at the highest, the difference between the maintenance awarded by the Family Court and the amount that would be payable on the basis of a monthly income of Rs. 25,000/- would only be Rs. 2,500/-[8]. In the facts and circumstances of the present case, such a difference, by itself, does not constitute a material irregularity warranting interference in revisional jurisdiction, particularly when the Family Court's assessment of the petitioner's income was based not merely on the quantum of income disclosed by him, but also on his inconsistent statements and failure to make a complete disclosure of his financial circumstances.

15. The petition, alongwith pending applications, accordingly, stands dismissed.

PRATEEK JALAN, J

SEPTEMBER 28, 2026
KA/

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[7] (2021) 2 SCC 324, paragraph 90.4.
[8] By apportioning two portions of the petitioner's monthly income to the respondents, they would be entitled to Rs. 12,500, i.e. Rs. 6,250/- each, as against the Rs. 7,500/- per month awarded to each respondent by the Family Court.