



2025:DHC:10815



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

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*Judgment reserved on: 18.11.2025**Judgment pronounced on: 03.12.2025**Judgment uploaded on: 03.12.2025*+ **CRL.REV.P. 646/2024 & CRL.M.A. 15011/2024****PANKAJ NARWAL**

.....Petitioner

Through: Ms. Juhi Arora, Advocate
(through VC)

versus

JYOTI

.....Respondent

Through: Mr. Pankaj Gupta, Advocate
(through VC)**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present revision petition, the petitioner is seeking setting aside of the order dated 19.01.2024 [hereafter '*impugned order*'], passed by the learned Additional Sessions Judge-05, North-West, Rohini Court, Delhi [hereafter '*Sessions Court*'] in the appeal (C.A. No. 167/2023) filed by the petitioner-husband under Section 29 of the Protection of Women from Domestic Violence Act, 2005 [hereafter '*PWDV Act*'].

2. By way of the impugned order, the learned Sessions Court upheld the order dated 01.06.2023 passed by the learned MM, Mahila



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Court-02, North-West, Rohini Court, Delhi [hereafter '*Trial Court*'] in CT Case No. 7228/2019, titled "*Jyoti v. Pankaj Narwal*" whereby the learned Trial Court had allowed an application filed under Section 25(2) of the PWDV Act by the respondent-wife seeking alteration/review of the order dated 08.04.2022 and enhanced the interim maintenance from Rs. 7,000/- to Rs. 11,000/- per month.

3. The brief facts of the case are that the marriage between the petitioner and respondent was solemnized on 06.03.2014, and one son was born from the wedlock. The respondent-wife has alleged that soon after marriage, she was subjected to verbal, physical, mental and economic abuse by the petitioner-husband, who also taunted her for not bringing sufficient dowry and demanded cash. She claims that her jewellery was taken by her mother-in-law, and that her father-in-law, being a habitual drinker, often abused her. According to the respondent, due to continued cruelty and threats, she was compelled to leave the matrimonial home. She thereafter had filed a complaint under Section 12 of the PWDV Act seeking protection, residence relief, and monthly maintenance for herself and her minor child, stating that she has no independent income while the petitioner herein earns about Rs. 50,000/- per month. The petitioner, in his reply, denied all allegations and alleged instead that the respondent and her family had harassed and assaulted him and his relatives. He claimed that the respondent had damaged his father's car on 07.08.2018, and that on 04.03.2019, her brother had beaten him and his family members. He, therefore, disputed her entitlement to any relief.



4. On 08.04.2022, the learned Trial Court, after taking note of the prima facie allegations against the petitioner-husband, domestic relationship between the parties, etc. and after hearing arguments on point of interim maintenance, directed as under:

“6. Now, only the income affidavit and the other documents filed by the petitioner are present on record to assess the monthly income of respondent. Petitioner submits that respondent has been Bachelors in Engineering (Aircraft Maintenance) through which he is earning Rs.50,000/- per month. As per income affidavit of respondent, he has no source of income though he is an Air Craft Maintenance Engineer. The bank statements filed by the respondent are seen. Till 2019, the respondent was drawing on average salary of Rs. 34,000/- but since 2020, there is no credit of the salary and the reason is quite obvious, since the entire aviation industry was shut due to nationwide lockdown and covid scenerio, however being an able bodied person and being skilled also, he was expected to earn atleast Rs. 19,000/- per month on the basis of the Minimum Wages Act and the latest notification of Government of NCT of Delhi qua Skilled Labours.

7. Therefore, at this stage, taking into account the status of the parties, their educational qualifications, income, dependents and the pleadings. **The court deems it fit to award interim maintenance of Rs.7000/- to the petitioner and her minor son towards maintenance of herself, for food, clothing, and other necessities...**”

(Emphasis added)

5. Thereafter, the respondent-wife had moved an application under Section 25(2) of the PWDV Act seeking alteration/ modification of the order dated 08.04.2022, on the ground that – the husband had misled the court by stating in his affidavit that he was unemployed, however, as per one appointment letter dated 26.11.2021 filed on record later by the husband himself, he had been



offered salary of Rs.6,00,000/- per annum CTC by M/s Adventik Consulting Services Pvt. Ltd. as SAS Programmer. Considering the same, the following order dated 01.06.2023 was passed by the learned Trial Court:

“ In view of the above submissions, I am of the considered opinion that due to inadvertence, the appointment letter placed on record by the respondent no. 1 got overlooked by the learned predecessor of this Court on account of the express submission qua unemployment in the income affidavit filed by respondent no. 1. Accordingly, while exercising its power u/S 25(2) DV Act read with Section 151 CPC, this Court is hereby modifying the order dated 08.04.2022 to the effect that the monthly income of respondent no. 1 is assessed at Rs. 47,500/- approx. on the date of passing of the order dated 08.04.2022. Thus, applying the principles laid down in *Annurita Vohra v. Sandeep Vohra: 2004(3) AD 252*, the interim maintenance awarded to the petitioner and the minor child is enhanced to Rs. 11,000/- each towards maintenance of themselves, food, clothing and other necessities which shall be payable by the respondent from the date of filing of the application seeking interim maintenance till December 2022. Further, taking into account the present employment status of respondent no. 1, he is directed to pay interim maintenance of Rs. 7,000/- collectively to the complainant and the minor child for food, clothing and other necessities from January 2023 until disposal of the present petition. Needless to say, remaining directions passed in the order dated 08.04.2022 remains the same.

The observation made in the order shall not tantamount to any findings on merits of this case.

Petitioner is directed to file list of witnesses alongwith affidavits in evidence of all the witnesses she wishes to examine by next date, with an advance copy to the opposite party.

Relist for CE on 10.08.2023...”

6. Aggrieved by the aforesaid order, the petitioner-husband had preferred the appeal under Section 29 of PWDV Act before the



learned Sessions Court, which came to be dismissed *vide* the impugned order. The relevant portion of impugned order dated 19.01.2024 is set out below:

“6. The perusal of the TCR reveals that vide order dt. 08.04.2022, the application filed by the petitioner (appellant herein) U/s 23 PWIV Act was disposed off. The respondent herein was directed by the aforesaid order to pay interim maintenance @ Rs.7,000/-pm to the petitioner and her minor son. This is pertinent to mention here that thereafter, vide order dt. 01.06.2023, i.e. the impugned order, an application U/s 25 (2) of PWIV Act filed by the appellant herein, the order dt. 08.04.2022, was modified. Vide the impugned order the respondent herein was directed to pay the interim maintenance at the enhanced rate i.e. @ Rs. 11,000/-each pm towards the maintenance of themselves, food, clothing and other necessities of the petitioner (appellant herein) and her minor son from Rs. 7,000/-pm. It was also clarified vide ordering that the maintenance at the enhanced rate i.e. @ Rs.11,000/- each shall be payable from the date of filing of the application till December 2022 to pay interim maintenance, @ Rs. 7000/- collectively to the complainant and her minor child from January 2023 till the disposal of the petition.

While passing the impugned order, the Ld. MM was conscious enough and considered the fact that the respondent no. 1 was unemployed at the time and accordingly, he was directed to pay interim maintenance @ Rs.7000/- collectively to the complainant and her minor child from January 2023 till the disposal of the petition.

7. This is pertinent to mention here that while disposing off application filed U/s 25 (2) PWIV Act, vide order dt. 07.06.2023, the Ld. MM considered an offer letter dt. 26.11.2021, which was filed by the side of the respondent no. (respondent herein), wherein he was offered a salary of Rs. 6 lacs P.A. by M/s Adventik Consulting Services Pvt. Ltd. as SAS Programmer this is also pertinent to mention here that the said letter is not disputed by the side of the respondent.

In the light of the said offer letter, it is clear that the respondent herein was offered a job with CTC: of 6 lacs PA, which comes to Rs, 50,000/- PM.

8. Accordingly, the court has no hesitation that the impugned



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order does not suffers from impropriety. Accordingly, the appeal is **dismissed**.

9. The appeal is accordingly disposed off. A copy of this order be sent to Ld. Trial Court...”

7. The learned counsel appearing for the petitioner contends that the respondent-wife has concealed her educational qualifications and true income from the learned Trial Court. He submits that she is highly qualified and capable of maintaining herself, yet the learned Trial Court, without properly appreciating the facts and evidence on record, enhanced the interim maintenance to Rs.11,000/- per month each for the wife and minor child. It is argued that while deciding the earlier application under Section 23 of the PWDV Act on 08.04.2022, the learned Trial Court had assessed his income as Rs.19,000/- per month on the basis of minimum wages and had awarded Rs.7,000/- per month collectively. However, on the respondent’s application under Section 25(2) of the PWDV Act, the Trial Court mechanically relied on an offer letter dated 26.11.2021 and wrongly applied the enhanced rate from the date of filing of the interim maintenance application, despite the letter only showing an offer of employment for a limited period. It is further argued that the petitioner had already lost that job on 05.12.2022 due to illness, which is evident from the Relieving-cum-Experience Letter dated 12.12.2022, but the learned Sessions Court also failed to consider this material fact. He submits that even if the offer letter is taken into account, enhanced maintenance could have been directed only for the period during



which he was actually employed, i.e., from 29.11.2021 to 05.12.2022. He also argues that he is suffering from medical ailments, is unemployed, and is currently in judicial custody for non-payment of maintenance. It is stated that the petitioner is earning only Rs.8,000/- per month and, therefore, it is prayed that the impugned orders be set aside and the interim maintenance be suitably reduced.

8. The learned counsel for the respondent, on the other hand, argues that the petitioner is deliberately suppressing his true income and qualifications. It is contended that the petitioner is an engineer by profession, having completed a specialized course in Aircraft Maintenance Engineering, and is fully capable of earning a stable income. It is further argued that he has previously worked with reputed institutions such as IIT Delhi and was drawing between Rs.45,000/- to Rs.50,000/- per month, which stands reflected in his own income affidavit and bank statements. It is argued that the offer letter dated 26.11.2021 issued by M/s Adventik Consulting Services Pvt. Ltd. clearly shows that the petitioner was offered a salary of Rs.6,00,000/- per annum (i.e. about Rs.50,000/- per month). This document was filed by the petitioner himself and has never been disputed by him at any stage. It is submitted that the learned Trial Court has rightly relied upon this letter while exercising its power under Section 25(2) of the PWDV Act, and the enhancement of maintenance was justified in view of his earning capacity and lifestyle.

9. This Court has **heard** arguments addressed on behalf of the



petitioner as well as the respondent, and has perused the material available on record.

10. It is not in dispute that the complaint under Section 12 of the PWDV Act was filed by the respondent–wife in April 2019. By order dated 08.04.2022, the learned Trial Court, after examining the income affidavit of the petitioner–husband and his bank statements, noted that there was no credit of salary from 2020 onwards, inter alia on account of the COVID–19 situation and disruption of the aviation industry. The learned Trial Court, however, treated the petitioner as an able-bodied and skilled person and, taking the minimum wages for skilled workers in Delhi as a guiding factor, notionally assessed his income at Rs. 19,000/- per month, and awarded a total sum of Rs. 7,000/- per month as interim maintenance to the respondent-wife and the minor child.

11. Subsequently, on an application moved by the respondent-wife under Section 25(2) of the PWDV Act, she brought to the notice of the Court an appointment letter dated 26.11.2021 issued by M/s Adventik Consulting Services Pvt. Ltd. to the petitioner, offering him employment as a SAS Programmer with CTC of Rs. 6,00,000/- per annum, i.e. about Rs. 50,000/- per month. This document had been filed by the petitioner himself but had not been noticed earlier when the initial order dated 08.04.2022 was passed. Taking note of this appointment letter, the learned Trial Court, by order dated 01.06.2023, had reassessed the income of the petitioner at about Rs. 47,500/- per month as on 08.04.2022 and, applying the principles in



Annurita Vohra v. Sandeep Vohra: 2004 SCC OnLine Del 192, enhanced the interim maintenance to Rs. 11,000/- per month each to the respondent-wife and the minor child, from the date of filing of the application for interim maintenance till December 2022, and thereafter directed payment of Rs. 7,000/- per month collectively from January 2023 onwards. The learned Sessions Court, in appeal, has upheld this order.

12. This Court finds no fault with the exercise of jurisdiction by the learned Trial Court under Section 25(2) of the PWDV Act. Once it emerged that the petitioner had, in fact, secured employment with a salary of about Rs. 50,000/- per month in November 2021, but had declared himself “unemployed” in his income affidavit as the same had been filed in October 2021, the learned Trial Court was justified in altering the earlier order wherein the petitioner’s income had been assessed on the basis of minimum wages. The reliance placed on the appointment letter dated 26.11.2021 for the purpose of reassessing his earning capacity was, therefore, proper and the learned Sessions Court rightly declined to interfere with the finding that the petitioner’s income, at the relevant time, was higher than what had been assessed earlier *vide* order dated 08.04.2022.

13. However, what needs to be considered by this Court is the period for which the enhanced income can be taken into account, and the corresponding period during which the enhanced interim maintenance should be payable. The appointment letter relied upon by the respondent-wife is dated 26.11.2021. Even going by the case



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of the respondent-wife, the employment pursuant to the said appointment letter could only have commenced thereafter, i.e. with effect from December 2021. The complaint under Section 12 of the PWDV Act was filed in April 2019, at a point of time when this employment did not exist. Therefore, the salary offered to the petitioner under the appointment letter dated 26.11.2021 cannot be projected backwards to the period prior to his joining that employment. In other words, while the learned Trial Court was right in relying upon this document to reassess the petitioner's income, the effect of such reassessment can operate only from the period when he can reasonably be taken to have started earning that salary and not from the date of filing of the complaint or the interim maintenance application.

14. The petitioner has also placed on record a Relieving-cum-Experience Letter dated 12.12.2022, which shows that he was relieved from his services with effect from 05.12.2022. The fact that his employment under the appointment letter dated 26.11.2021 came to an end in December 2022, and this fact has not been controverted by the respondent-wife. Thus, the net income of the petitioner assessed at about Rs. 47,500/- per month, based upon the said employment, can thus be reasonably taken only for the period from the date of his joining pursuant to the appointment letter, i.e. from December 2021 onwards, till December 2022 i.e. when he was relieved from service. For that period, the direction to pay enhanced interim maintenance at the rate of Rs. 11,000/- per month each to the



respondent-wife and the minor child, totaling Rs. 22,000/- per month, is justified and calls for no interference.

15. For the earlier period, i.e. from April 2019 (when the complaint was filed) till November 2021, there is no material to show that the petitioner was earning any salary comparable to the later employment. However, being an able-bodied and qualified engineer, he cannot be allowed to plead complete lack of income to avoid his statutory duty to maintain his wife and minor child. The learned Trial Court had rightly assessed his notional income at Rs. 19,000/- per month on the basis of minimum wages for a skilled worker in Delhi, and for this period, it would be reasonable to direct the petitioner to pay Rs. 8,000/- per month in total to the respondent-wife and the minor child.

16. For the period after cessation of his employment, i.e. from January 2023 onwards, the petitioner's income is again to be assessed on the basis of the minimum wages applicable to a skilled worker. Taking note that the minimum wages during the said period were about Rs. 20,000/- per month, this Court finds it appropriate to fix the interim maintenance at Rs. 9,000/- per month in total, payable to the respondent-wife and the minor child together, from January 2023 onwards, till disposal of the main proceedings.

17. In view of the above discussion, the orders of the learned Trial Court and Sessions Court are modified to the following extent:

(a) For the period from the date of filing of the complaint under



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Section 12 of the PWDV Act till November 2021, the petitioner shall pay interim maintenance of Rs. 8,000/- per month in total to the respondent-wife and the minor child.

(b) For the period from December 2021 to December 2022, the direction to pay interim maintenance at the enhanced rate of Rs. 11,000/- per month each to the respondent-wife and the minor child (total Rs. 22,000/- per month) is affirmed.

(c) For the period from January 2023 onwards, the petitioner shall pay interim maintenance of Rs. 9,000/- per month in total to the respondent-wife and the minor child, till disposal of the main petition.

18. The arrears of the maintenance shall be recalculated accordingly and cleared within a period of 3 months by the petitioner.

19. In above terms, the present petition alongwith pending application, if any, is disposed of.

20. It is, however, clarified that the observations made hereinabove are solely for the purpose of deciding present petition and shall not be construed as opinion of this Court on the merits of the case.

21. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
DECEMBER 03, 2025/zp