



2026:DHC:492



\$~

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

%

*Judgment reserved on: 08.01.2026**Judgment pronounced on: 12.01.2026**Judgment uploaded on: 20.01.2026*+ **CRL.REV.P.(MAT.) 86/2024 & CRL.M.A. 33364/2024****JASPREET SINGH**

.....Petitioner

Through: Mr. Prosenjeet Banerjee, Mr.  
Sarthak Bhardwaj, Ms.  
Anshika Sharma, Ms. Aditi  
Singh Beniwal, Advocates.

versus

**SUMEET KAUR**

.....Respondent

Through: Ms. Apoorva Pandey and Ms.  
Soumya Singh, Advocates  
along with respondent in  
person.

**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The present revision petition has been filed by the petitioner-husband assailing the order dated 22.05.2024 [hereafter '*impugned order*'] passed by the learned Principal Judge, Family Courts, Tis Hazari Courts, Delhi [hereafter '*Family Court*'] in MT No. 336/2023. By way of the impugned order, passed in proceedings under Section 125 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'],



the petitioner-husband has been directed to pay a sum of ₹60,000/- per month as interim maintenance to the respondent-wife and to continue to allow her to reside in the matrimonial home.

2. Briefly stated, the facts of the present case are that the marriage between the parties was solemnized on 29.11.1998 in accordance with Sikh rites and ceremonies. Two children were born out of the wedlock, who are presently aged about 21 years and 20 years respectively. Admittedly, the parties have not been cohabiting as husband and wife since August, 2022. However, they continue to reside in the same house, i.e., the matrimonial home situated at property bearing No. B-4, Kirti Nagar, Delhi, *albeit* under the same roof but in separate portions/rooms on the ground floor of the said property.

3. On 29.05.2023, the respondent-wife had filed the petition under Section 125 of Cr.P.C., alleging financial deprivation, cruelty, and adultery on the part of the petitioner-husband. During the course of the proceedings, both parties filed their respective affidavits of income, assets, and liabilities. Upon hearing detailed arguments on behalf of both parties and after perusing the material available on record, the learned Family Court passed the impugned order dated 22.05.2024, observing as under:

“25. This court has carefully considered the submission advanced & material on record on the touchstone of legal position noted above. At this stage, court has to form a prima-facie view and not hold a mini-trial or do an audit analysis of all the figures, facts & properties in minute



details having regard to the totality of the aforementioned material on record, this court is of the considered view that reasonable estimate of the income of the non-applicant can be safely be assessed as at least Rs.2,00,000/- per month. Indisputably, parties are residing in the same house and have common kitchen apart from incurring educational expenses o the children, expenditure on necessary grocery in the comma kitchen, allowing services of caretaker cum cook, maid in the house, bills of essential amenities like electricity, water etc. installed at common residence commonly by the parties, non-applicant is directed to pay a total sum of Rs.60,000/- per month as interim maintenance towards all other expenses in order to enable petitioner-wife her to enjoy similar status as enjoyed by respondent-husband of petitioner-wife from the date ' of filing of the application till the disposal of the main petition.

26. It is made clear that the monthly payment shall be made on or before 10th day of each calendar month to be deposited directly in the bank account of the applicant. Respondent/non-applicant shall be allowed adjustment of the amount already paid till date to petitioner / applicant either voluntarily or proceedings of which there exists a documentary proof. Arrears shall be cleared by the respondent-husband within six months. It may be noted that nothing stated herein shall tantamount to be an expression on the merit of case, which shall be considered after parties adduce their evidence.

27. Interim maintenance application stands disposed of accordingly....”

4. The learned counsel appearing for the petitioner-husband contends that the learned Family Court has erred in presuming the petitioner’s income at ₹2,00,000/- per month despite the petitioner having placed on record his Income Tax Returns (ITRs) showing an average monthly income of about ₹90,000/-. It is submitted that the



2026:DHC:492



respondent-wife's own ITRs reflect her independent earnings and, coupled with her boutique, tarot card, and modelling activities, clearly belie her claim of being a non-working and dependent spouse. The learned counsel argues that the impugned order has been passed without considering the mandatory requirement under Section 125 of Cr.P.C. that maintenance can be granted only if the wife is unable to maintain herself and the husband has neglected or refused to maintain her. It is contended that the respondent-wife continues to reside in the matrimonial home and that all common household expenses, including food, electricity, water, cook, maid, and repairs, are admittedly being borne by the petitioner-husband. It is further argued that the petitioner has never refused to maintain the respondent and had been transferring ₹15,000/- per month towards her expenses during the subsistence of the marriage. The learned counsel submits that directing payment of ₹60,000/- per month in addition to the expenses already being borne by the petitioner is excessive, beyond his means, and contrary to the lifestyle test. It is argued that the learned Family Court has failed to consider the petitioner's financial liabilities, including substantial household expenses and educational expenses of the parties' sons, one of whom is pursuing engineering in India and the other studying abroad. The learned counsel also contends that the impugned order suffers from non-application of mind, as it reproduces submissions without analysing the evidence or assigning reasons for discarding the petitioner's documentary proof. It is also argued that the documents which have been filed on the



record by the respondent-wife *qua* the properties allegedly owned by the petitioner herein were not a subject matter before the learned Family Court nor they were produced before the said Court and therefore, this Court, as first court of appeal, cannot decide the genuineness of the same, nor can adjudicate as to whether the income can be assessed on the basis of the same. On these grounds, the learned counsel submits that the impugned order is arbitrary, unsustainable in law, and liable to be set aside.

5. The learned counsel appearing for the respondent-wife, on the other hand, argues that the respondent, who is educated only till Class XI, was married at the age of 18 years and has remained financially dependent upon the petitioner throughout the marriage. It is contended that the petitioner has deliberately suppressed his true income and assets and has falsely portrayed himself as unemployed with an income of ₹90,000/- per month, despite being an able-bodied person deriving substantial rental income. The learned counsel argues that the petitioner owns and/or effectively controls an extensive portfolio of high-value immovable properties, including the shared matrimonial home bearing No. B-4, Kirti Nagar, New Delhi, stated to be valued at about ₹12–15 crores, the front portion of which has a rental potential of about ₹1.5 lakhs per month and had earlier been leased to a diagnostic centre for an aggregate amount of nearly ₹1 crore for a period of about ten years, as well as the rear annexe of the said property yielding a monthly rent of about ₹18,150/-. It is further contended that the petitioner owns four floors of property bearing No.



2026:DHC:492



B-23, Tagore Garden, also valued at about ₹12–15 crores, all of which are stated to be on rent, with the basement fetching about ₹54,000/- per month, the ground floor about ₹2,00,000/- per month, the first floor about ₹36,000/- per month, and the second floor about ₹26,620/- per month. In addition thereto, it is submitted that the petitioner owns Flat No. 220-E, Rajouri Garden, valued at about ₹2 crores, fetching a monthly rent of about ₹25,000/-, along with an attached garage yielding ₹6,800–7,300/- per month, two flats in Dudhial CGHS, Pitampura, fetching monthly rentals of about ₹26,620/- and ₹30,613/- respectively and valued at ₹4–6 crores each, as well as Shop No. 8, Guru Nanak Market, yielding a rent of about ₹4,235/- per month. The learned counsel further submits that, apart from the aforesaid properties, the petitioner also owns or controls additional commercial units in Guru Nanak Market, Punjabi Bagh and SP Mukherjee Marg, Kashmere Gate, and has concealed ownership of a property at Turnhouse Crescent, Markham, Ontario, Canada, stated to be valued at about ₹10 crores, and that the cumulative rental income from these properties runs into several lakhs per month. It is submitted that the petitioner had been regularly providing the respondent with substantial amounts for her maintenance and personal expenses, and his abrupt stoppage of such payments has resulted in financial deprivation. The learned counsel further contends that the petitioner continues to reside in the shared matrimonial household, which is a large bungalow, and the respondent is legally entitled to the same standard of living as enjoyed by the



2026:DHC:492



petitioner. It is argued that the petitioner is the real beneficiary of the rental income shown in the names of his family members, including his father, who is stated to be suffering from an advanced stage of dementia and incapable of managing or benefiting from such properties. It is contended that the petitioner has been routing income through relatives and associates and has concealed several income-generating assets, as reflected from his own bank statements and property documents. It is further contended that the petitioner is spending large sums of money on his *paramour*, which is evident from audio recordings and other material placed on record, while simultaneously depriving the respondent of financial support. The learned counsel also argues that the respondent has been subjected to hardship by withdrawal of basic facilities, including the car and driver earlier provided to her, despite the petitioner owning multiple vehicles. It is submitted that the interim maintenance awarded by the learned Family Court, though already on a lower side, is justified and commensurate with the petitioner's status, lifestyle, and financial capacity. The learned counsel for the respondent also contends that the petitioner has falsely claimed that his trucking business was shut down in 2016, whereas his bank statements and cheque book entries reveal recurring transactions, including fuel expenses of ₹20,000/-, ₹28,994/- and similar amounts incurred in different cities, which *prima facie* indicate the continuation of transport and other business activities and concealment of income before the learned Family Court. On these grounds, the learned counsel appearing for the



respondent-wife prays for dismissal of the revision petition.

6. *In rebuttal*, with regard to the allegation of concealed properties, the learned counsel for the petitioner argues that the properties relied upon by the respondent were owned by the petitioner's father at the time of passing of the impugned order and during the pendency of the present revision petition, and that the father of petitioner passed away on 03.08.2024 leaving behind an undisputed Will dated 14.06.2017, whereby the said properties have devolved upon all three siblings jointly; it is therefore contended that subsequent developments cannot be relied upon to sustain the impugned order, and that the petitioner had correctly disclosed his actual rental income of ₹90,000/- to ₹1,00,000/- per month, primarily from property at B-23, Tagore Garden, while receiving no rental income from Flat No. 220-E, Rajouri Garden. As regards the allegation of a continuing trucking business, the learned counsel submits that the said business was closed in the year 2016 and that the bank entries relied upon by the respondent pertain to settling friendly loans and incidental expenses during the winding up of the business, with no income having been generated therefrom since the year 2021.

7. This Court has **heard** arguments addressed on behalf of the petitioner and the respondent, and has perused the material available on record.

8. The principal controversy between the parties revolves around





the actual income of the petitioner-husband, his primary source of earning admittedly being rental income. While the petitioner claims that his rental income is limited to about ₹90,000/- per month, the respondent-wife asserts that the petitioner derives rental income to the tune of nearly ₹5 lakhs per month from various properties. The petitioner's explanation is that, prior to the demise of his father, except for property bearing No. B-23, Tagore Garden and Flat No. 220-E, Rajouri Garden, all other immovable properties stood in the name of his father and that the entire rental income therefrom was being received by the father alone. It is his case that he was earning only about ₹90,000/- per month from the property at B-23, Tagore Garden, and no rental income from Flat No. 220-E, Rajouri Garden, as the same had been occupied by an elderly family friend. This assertion is disputed by the respondent-wife, who has placed material on record to suggest that the petitioner was, in fact, the person controlling and enjoying the rental income, even from properties standing in the name of his father. This Court, however, notes that it is an admitted position that after the demise of the petitioner's father, the petitioner has been bequeathed a share in certain other properties also under a Will, though this development took place after the passing of the impugned order.

9. But even otherwise, this Court finds that, at the time of passing of the impugned order, the petitioner was admittedly receiving a substantial amount by way of rental income. The petitioner continues to reside in property bearing No. B-4, Kirti Nagar, which the



respondent has *prima facie* shown to be a valuable property having rental potential and, in the past, being given on rent for about ₹1–1.5 lakhs per month. Though the said property stood in the name of the petitioner's father, it has been contended by the respondent that the father of the petitioner was suffering from advanced dementia and that the rental income and financial affairs relating to the said property were being managed and enjoyed by the petitioner himself. At the interim stage, such material cannot be brushed aside. Insofar as property bearing No. B-23, Tagore Garden is concerned, the respondent has suggested that the cumulative rental income from all floors of the said property is about ₹3 lakhs per month. The petitioner, however, disputes the said figure and contends that the rental income from the said property is lower than this and, importantly, the same is shared between him and his elder brother. As regards Flat No. 220-E, Rajouri Garden, it is an admitted position that the petitioner is the owner of the said flat and that the same is occupied by a third person. While the petitioner claims that he is not receiving any rental income from the said flat, the respondent asserts that the flat fetches a rent of about ₹25,000/- per month. It is further noted that after the demise of his father, the petitioner admittedly has also become the owner of two additional commercial shops having rental potential. Though the petitioner asserts that he is not presently receiving any rental income from the said shops, the existence of such income-generating assets cannot be ignored altogether at this interim stage.



10. As regards the petitioner's plea that his trucking business had been closed long ago, this Court finds the explanation to be unconvincing at this stage. The bank statements placed on record reflect recurring entries of substantial amounts towards fuel expenses, running into ₹20,000/- to ₹30,000/- at a time, incurred at different locations. Such expenses, at least *prima facie*, cannot be attributed to ordinary personal vehicle usage. The explanation offered by the petitioner that these entries relate to settlement of friendly loans during closure of business does not fully inspire the confidence of this Court and requires adjudication during trial.

11. Further, this Court notes that details of several residential as well as commercial properties, including shops, have been placed before this Court by the respondent-wife in relation to their ownership and rental income, and the value of such properties cumulatively runs into several crores. However, since the entire details pertaining to these properties were not placed before the learned Family Court at the time of passing of the impugned order, this Court refrains from commenting on the merits of the same. It is only the learned Family Court which can examine and adjudicate upon the said material, after affording due opportunity to both the parties.

12. At the same time, this Court is presently concerned only with the issue of interim maintenance and is required to take a broad and *prima facie* view of the matter, without delving into a detailed



examination of disputed questions of fact.

13. It is not in dispute that the petitioner owns and uses a Toyota Camry car. Though the respondent has also placed on record certain conversations and material, including alleged conversations between the petitioner and one woman (who the respondent claims is his paramour), touching upon his earnings and expenditure, this Court, at this stage, refrains from expressing any opinion thereon, as the same would require proper proof and is a matter to be examined during trial before the learned Family Court.

14. Nevertheless, considering the overall facts and circumstances of the case, including the admitted rental income, the petitioner's standard of living, and the nature of the properties involved, this Court is of the view that even by adopting a conservative approach, the petitioner's income, for the purpose of interim maintenance, cannot be assessed at less than ₹1.75 to 2 lakhs per month at this stage.

15. As regards the contention raised on behalf of the petitioner-husband that only a destitute wife is entitled to claim maintenance, this Court is unable to accept the said submission. The object of maintenance under Section 125 of Cr.P.C. is not confined to preventing destitution alone, but also to ensure that the wife is able to live with reasonable comfort and dignity, consistent with the status, income, and standard of living of the husband. Merely because the husband is running the household or maintaining the common kitchen



would not, by itself, suffice in a case where the husband's income runs into lakhs and the wife has no independent income commensurate with such status.

16. At the same time, this Court also cannot lose sight of the fact that the respondent-wife continues to reside in the same matrimonial home as the petitioner-husband and that the basic household expenses, including food and essential amenities, are admittedly being borne by the petitioner. Therefore, insofar as the standard of living within the household is concerned, the respondent is presently enjoying the same accommodation and facilities as the petitioner, and to that extent, the lifestyle component stands secured.

17. Insofar as the children of the parties are concerned, it was conceded before this Court during the arguments that the children are major and working and are able to bear their own expenses.

18. Thus, considering the overall facts and circumstances of the case, including the petitioner's *prima facie* income and properties held by him, this Court finds no infirmity or perversity in the impugned order granting interim maintenance of ₹60,000 per month to the respondent-wife, and the same is accordingly upheld.

19. The present petition is dismissed. Pending applications are also disposed of.

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



2026:DHC:492



of the case during the course of trial.

21. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JANUARY 12, 2026/zp**

*T.D.*