



2025:DHC:8444



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 18.09.2025*+ **CRL.REV.P.(MAT.) 160/2025**

SAHIL RAO

..... Petitioner

Through: Mr. Yash Aggarwal and Ms.
Chitrakshi, Advocates

versus

RICHA VATS AND ANR.

..... Respondent

Through: Mr. Jayveer Singh, Advocate

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

1. The petitioner, by way of present revision petition, seeks setting aside of the order dated 18.02.2025 [hereafter '*impugned order*'] passed by learned Judge, Family Court-01, North-East, Karkardooma Courts, Delhi [hereafter '*Family Court*'] in MT Case No. 133/2024, titled '*Richa Vats & Anr. vs. Sahil Rao*', whereby interim maintenance of ₹25,000/- per month has been awarded in favour of the respondents.

2. The brief facts of the case are that the marriage between the petitioner-husband and respondent no. 1-wife was solemnized on 28.01.2019 according to Hindu rites and customs at Ghaziabad. Respondent no. 1 alleges that her father had spent about ₹40 lakhs on the marriage and had given gifts beyond his capacity, but soon



thereafter, the petitioner and his family members had started taunting her for bringing insufficient dowry. It is alleged that all her jewellery was taken by the petitioner. On 10.02.2021, respondent no. 1 was allegedly beaten by the petitioner at the instigation of his sister-in-law. On 09.03.2021, respondent no. 1 had given birth to a daughter (respondent no. 2), but according to her, the petitioner and his family members were displeased with the birth of a girl child. On 04.04.2021, the respondents were allegedly forced to leave the matrimonial home, and respondent no. 1 remained at her parental house for about two years. With the intervention of elders, she had returned to the matrimonial home, but the circumstances allegedly did not improve, and on 06.11.2023, she was again compelled to leave the matrimonial home. Thereafter, she had made a complaint to the CAW Cell on 12.12.2023.

3. In these circumstances, respondent no. 1 had filed a petition under Section 125 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] in January, 2024, seeking maintenance for herself and the minor girl child. During its pendency, the learned Family Court, *vide* impugned order dated 18.02.2025, granted interim maintenance of ₹25,000/- per month to the respondents. The concluding portion of the impugned order reads as under:

“20. The petitioner and respondent separated in November, 2023. The income of the respondent is thus assessed to be Rs. 76000/- per month at the time of separation and even at the time of filing of the present petition.

21. In terms of the '*Annurita Vohra vs. Sandeep Vohra*', reported as, '**2004 (3) AD 252** income of the respondent is to be divided into four units. Respondent would be entitled to two



units and petitioners would be entitled to 1 unit each. The income of the respondent is to be divided accordingly. The share of the petitioners would come to Rs. 38,000/- per month (Rs. 19000/- each). However, petitioners do not require any money for the residence as admittedly petitioner no. 1 is residing with her parents. The child is about three years. Petitioner no. 1 has clearly exaggerated her expenses as no details have been provided as to how she is incurring expenses of Rs. 2,00,000/- per month and who is bearing the same. Thus, at this stage a consolidated amount of Rs. 25,000/- per month is awarded as interim maintenance to the petitioners from the date of filing of the petition in view of the judgment of ***Rajnish Vs. Neha (2021) 2 SCC 324*** till further orders.”

4. Aggrieved thereby, the petitioner has filed the present revision petition.

5. The learned counsel appearing for the petitioner contends that the impugned order is unsustainable in law. It is argued that respondent no. 1 had left the matrimonial home of her own accord and without any sufficient reason, and therefore she is not entitled to claim maintenance. It is further argued that the legal obligation to maintain arises only when the spouse is unable to maintain herself and is justified in living separately, neither of which is established in the present case. The learned Family Court, it is submitted, has also misassessed the petitioner’s income. While his actual salary is only ₹65,000/- per month, duly supported by salary slips and bank statements, the Court has erroneously assessed his income at ₹76,000/- per month. It is also argued that the learned Family Court has failed to take into account necessary deductions, including rental expenses of ₹22,000/- per month, while computing disposable income of the petitioner. It is further urged that respondent no. 1 is



well-qualified, being a B.Sc. Medical Lab Technician, and was employed prior to marriage with an income of about ₹25,000/- per month. Thus, she is capable of maintaining herself and cannot shift the entire financial burden upon the petitioner. As regards respondent no. 2, it is contended that both parents have an equal legal and moral duty to maintain their child, and the learned Family Court erred in directing only the petitioner to bear the entire expense, without requiring any contribution from respondent no. 1. On these grounds, it is prayed that the impugned order be set aside.

6. *Per contra*, the learned counsel appearing for the respondents argues that the impugned order has been passed after due consideration of the material on record and does not suffer from any illegality, impropriety or perversity. It is accordingly prayed that the revision petition be dismissed.

7. This Court has **heard** arguments addressed by the learned counsel for the petitioner and learned counsel for the respondents, and has perused the material on record.

8. A perusal of the impugned order reveals that the learned Family Court has first dealt with the contention of the petitioner-husband that respondent no. 1-wife was employed and earning. In this regard, the Family Court has specifically examined the bank account statements of respondent no. 1 from her bank account maintained with State Bank of India for the period 25.07.2023 to 25.12.2023 and from 01.01.2024 to 19.12.2024, as also her bank account maintained with Punjab National Bank for the period



03.01.2022 to 02.01.2025. The Court found that there was nothing in these statements to suggest that she was receiving any salary or income, nor was there any other document on record to establish that she was working in a hospital or elsewhere.

9. It is also pertinent to note that the petitioner himself has taken inconsistent stands on this issue. He has mentioned in his present petition on the one hand that the respondent no. 1 used to work prior to marriage, however, no particulars of her present employment have been mentioned, on the other hand, in the same petition, it is averred that she is deliberately choosing not to seek employment despite having sufficient opportunities; at yet another place, it is claimed that she is working as a receptionist with Global Co-operative Society, Bhajanpura, drawing a salary of ₹25,000/- per month; and before the Family Court, it was argued that she was working in a hospital and earning ₹22,000/- per month. Thus, self-contradictory assertions have been made at several places in the petition, unsupported by any material whatsoever by the petitioner, have been made by the petitioner. In these circumstances, the learned Family Court has rightly rejected the petitioner's objection that respondent no. 1 was employed or earning independently.

10. As far as the contention of the petitioner regarding payment of house rent of ₹22,000/- per month is concerned, this Court is of the view that the said issue has been rightly dealt with by the learned Family Court in the impugned order. It is a settled principle of law that, while assessing the income of a husband for the purpose of



determining maintenance, only mandatory and involuntary deductions such as income tax, provident fund, and other statutory deductions are to be excluded from the gross salary. Other payments which are voluntary in nature, such as house rent, electricity charges, loan repayments, or similar personal expenses, cannot be deducted while computing disposable income for the purposes of maintenance [Ref: *Nitin Sharma v. Sunita Sharma*: 2021 SCC OnLine Del 694; *Chanchal Verma v. Anurag Verma*: 2022 SCC OnLine Del 2993]. The rationale is that such voluntary liabilities are incurred by choice and cannot override the legal obligation of a husband to maintain his wife and children. Consequently, this argument of the petitioner is unmerited and stands rejected.

11. With respect to the issue of assessment of the petitioner's monthly income, a perusal of the impugned order discloses that the learned Family Court has carefully considered the Income Tax Returns (ITRs) filed by the petitioner as well as his bank account statements. It was observed that the petitioner's ITR for the assessment year 2024-25 (relevant to the financial year 2023-24) reflected a declared annual income of about ₹9,24,940/-, which works out to an approximate monthly income of ₹77,000/-. However, the petitioner had not filed any computation sheet to show how this figure had been arrived at. The Family Court also examined the petitioner's bank account statements, which revealed that although his average net salary was in the range of ₹60,000/- to ₹65,000/- per month, every few months there were credits reflecting a higher salary, which could be on account of reimbursements, incentives, or



other allowances. The learned Family Court rightly observed that the exact nature of these additional receipts would be a matter of trial, but for the purpose of interim maintenance, the overall earning capacity of the petitioner had to be considered.

12. This Court has also examined the documents filed with the present revision petition. The petitioner has annexed salary slips for the period May 2024 to February 2025. These salary slips disclose that his gross salary is approximately ₹73,000/- per month and his net salary, after deduction of statutory dues such as income tax and provident fund contribution, is about ₹66,000/- per month. Thus, from the petitioner's own record, it is evident that his net monthly income after mandatory deductions is about ₹66,000/-.

13. It is also pertinent to note that in one of the salary slips, pertaining to July 2024, the petitioner received almost double the amount of salary, though no explanation has been furnished as to whether the same was on account of incentive, arrears, or some other component. As noted above, similar observations were made by the learned Family Court in respect of salary of the petitioner for earlier months. This clearly shows that apart from his regular salary, the petitioner does receive enhanced payments twice or thrice in a year.

14. Therefore, having regard to the ITR of assessment year 2024–25 reflecting monthly income of about ₹77,000/-, the salary slips reflecting average net income of about ₹66,000/- per month, and the fact that in certain months the petitioner receives higher sums, this Court considers it appropriate to take the petitioner's monthly income



at ₹70,000/-, at this stage, for the purpose of deciding interim maintenance, as against ₹76,000/- assessed by the learned Family Court.

15. Nonetheless, even if the petitioner's income is taken at ₹70,000/- per month, the quantum of maintenance awarded by the Family Court cannot be said to be excessive or arbitrary. The Family Court has already taken a lenient view by granting ₹25,000/- per month as consolidated interim maintenance for both respondent no. 1 and the minor child, after noting that the respondents are residing at the parental home of respondent no. 1, and the minor child is only about three years of age. In these circumstances, the amount of interim maintenance fixed by the Family Court cannot be said to be on the higher side.

16. As regards the ground urged by the petitioner that both parents are equally responsible for the maintenance of their child and that the Family Court erred in placing the entire burden upon him, this Court is of the opinion that the argument is misconceived. While it is true that both parents have an equal obligation to maintain their child, the realities of each case have to be considered by the Courts. In the present case, respondent no. 1 is not earning and is fully engaged in the care and upbringing of the three-year-old minor daughter. The petitioner, on the other hand, is gainfully employed and earning a substantial monthly income. Therefore, the petitioner cannot seek to evade or dilute his responsibility by insisting upon contribution from respondent no. 1, who is discharging her share of responsibility by



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single-handedly caring for and nurturing the child without any support from the petitioner herein.

17. In light of the above discussion, this Court finds no infirmity in the order of the learned Family Court. The impugned order fixing interim maintenance at ₹25,000/- per month towards respondent no. 1 and the minor child is just, reasonable, and calls for no interference in exercise of revisional jurisdiction.

18. Accordingly, this Court finds no merit in the present petition, and the same is dismissed.

19. It is however clarified that the observations made hereinabove are only *prima facie* in nature, solely for the purpose of deciding interim maintenance, and the same shall have no bearing on the merits of the case.

20. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
SEPTEMBER 18, 2025/A