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

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*Judgment reserved on: 23.12.2025**Judgment pronounced on: 27.12.2025**Judgment uploaded on: 27.12.2025*

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**CRL.REV.P. 723/2024, CRL.M.A. 16673/2024, CRL.M.A. 6295/2025 & CRL.M.A. 28375/2025****HITESH MAKHIJA**

.....Petitioner

Through: Mr. Amit Gupta, Mr. Prateek  
Mehta, Mr. Kshitij Vaibhav,  
Ms. Muskan Nagpal,  
Advocates.

versus

**RITU MAKHIJA**

.....Respondent

Through: Ms. Shaini Bhardwaj, Ms.  
Rukhsar and Mr. Vedic  
Thukral, Advocates.

**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****J U D G M E N T****Index to the Judgment**

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**DR. SWARANA KANTA SHARMA, J**

1. By way of the present revision petition, the petitioner-husband seeks setting aside of the judgment dated 30.03.2024 [hereafter '*impugned judgment*'], passed by the learned Special Judge (NDPS), Shahdara, Karkardooma Courts, Delhi [hereafter '*Sessions Court*'] *vide* which the appeal filed by him under Section 29 of the Protection of Women from Domestic Violence Act, 2005 [hereafter '*PWDV Act*'] was dismissed and the order dated 23.12.2023 passed by the learned MM (Mahila Court-01), Shahdara, Karkardooma Courts, Delhi [hereafter '*Trial Court*'] in Ct Case No. 1904/2022 was upheld.

**FACTUAL BACKGROUND**

2. Briefly stated, the facts of the present case are that the marriage between the petitioner-husband and the respondent-wife was solemnized in Delhi according to Hindu rites and customs on 26.01.2014. Three children, i.e. two daughters and one son, were born out of the said wedlock on 01.11.2014, 28.01.2018 and 10.08.2020 respectively. It is the case of the respondent-wife that soon after the marriage, the petitioner-husband and his family members started subjecting her to harassment on account of persistent demands for dowry, including demands for television, refrigerator, washing machine, gifts for relatives in the form of clothes and cash, etc. The respondent alleges that, in order to preserve



matrimonial harmony and protect the family's reputation, her father acceded to such demands from time to time, as per the convenience and insistence of the petitioner-husband. It is further alleged that prior to the marriage, the petitioner-husband and his family members had assured the respondent that she would not be compelled to work against her wishes. However, contrary thereto, within a few weeks of marriage, the respondent was allegedly pressurised to seek employment and was compelled to hand over her entire salary to the petitioner and his family members. The respondent has narrated several such instances of physical, emotional, and economic abuse, which ultimately constrained her to initiate proceedings under Section 12 of the PWDV Act, along with an application under Section 23 thereof, seeking interim reliefs.

3. Pertinently, the learned Trial Court, *vide* order dated 23.12.2023, directed the petitioner-husband to pay interim maintenance of ₹30,000/- per month, quantified at ₹10,000/- per month for each of the three minor children, to be deposited directly into the bank account of the respondent-wife, from the date of filing of the petition till the disposal of the complaint or till the minor children attain majority, whichever is earlier. It was *inter alia* observed as under:

“ ...In the present case, it is a matter of record that the children of the parties were studying in the same school before the separation of the parties in 2022. Therefore, merely because the parties have separated doesn't mean that the education of the children shall suffer or that they shall be admitted in a government school. The said argument on behalf of respondent



no.1 in itself is disgraceful. Furthermore, it is pertinent to mention that the Respondent no. has a masters degree in business administration yet he has stated in his income affidavit that he's employed in his mother's pharmacy for a meager income of Rs.9,000 per month. From a bare perusal of the bank statement of Respondent no. 1, it can be seen that there are various cash credit entries and other credit entries from different firms. Furthermore, there are various credit entries in his account for amount debited from the account of complainant herself. It is also relevant to mention here that the bank account statement of the Respondent no. 1 also reveals that he has a credit card in his name. It is beyond comprehension that how does a person whose income is about Rs. 9,000/- per month has a credit card in his name. Respondent no. 1 has also not filed any of his income tax returns for the preceding years. It is also noteworthy here that during the pendency of the case warrants of attachment were issued against the Respondent no. 1 which were received back as unexecuted with the report that the parent of Respondent no.1 have debarred him from their property and it was further reported that Respondent no.1 was employed in the pharmacy run by his own mother and residing on rent in the house jointly owned by his father and his fathers' brother. It is also incomprehensible that if his parents had debarred him why was he employed by his mother and was residing in the same house on rent. Furthermore, no rent agreement has been placed on record on behalf of Ri to support the aforesaid statement. In View of the aforesaid discussion it appears that R1 is deliberately concealing his true income from the court so as to avoid payment of maintenanc. Therefore, an adverse inference is drawn against him.

Considering the totality of facts and circumstances and the material placed on record, **R1 is directed to make payment of interim maintenance of Rs. 30,000/- per month (Rs. 10,000/- to each minor child) to the minor children. directly into bank account of complainant from the date of filing of present petition i.e.01.12.2022 till disposal of the present complaint or till such time minor children attain majority, whichever is earlier. Any amount already paid in any other proceedings shall be adjusted in the present matter upon actual payment."**



4. Aggrieved by the aforesaid order dated 23.12.2023, the petitioner-husband preferred an appeal under Section 29 of the PWDV Act, being Criminal Appeal No. 18/2024, before the learned Sessions Court. The learned Sessions Court, upon a detailed consideration of the record, dismissed the appeal *vide* impugned judgment dated 30.03.2024, wherein it was held as under:

“14. The foremost contention of the appellant by way of this appeal is that the appellant is earning only meager amount of Rs.9000/- pm as a salary as he is employed in the pharmacy business of his mother and as such he has no source of income to pay the interim maintenance awarded by the Ld. Trial Court. It is not in dispute that the appellant is highly qualified as he is MBA and also having diploma in pharmacy. Therefore it does not appear plausible and tenable that a person of such high qualification will be earning only Rs.9000/- pm. The claim of the appellant that he is working in the pharmacy business of his mother at a meager salary of Rs. 9000/- per month is contradictory because at the one hand the appellant claims that he has been debarred by his parents and in this regard the reliance is made on the newspaper proclamation dated 23.03.2023 by which it is declared that the parents of the appellant have debarred the appellant from their movable and immovable properties and they had no connection whatever with him. If that be so, it does not appeal to the reason that despite the appellant having been debarred by his parents from the properties and other relations still they would employ the appellant in their pharmacy business at a monthly salary of Rs.9,000/- pm. Furthermore, there is nothing on record which could show that the appellant is working in the pharmacy shop of his mother as an employee at a monthly salary of Rs.9,000/- pm. It is also to be noted that the present petition under DV Act has been filed by the respondent on 01.12.2022 and the alleged publication in the newspaper regarding debarment of the appellant by his parents has been made thereafter. The appellant has also claimed in the income/assets affidavit that he has been residing in a rented property as paying guest with his aunt uncle but no such rent agreement has been placed on record. Further, it is revealed that when the Ld. Trial Court issued warrants of attachment against the appellant the same



were received unexecuted with the report that the parents of the appellant reported that the appellant has been debarred by them and has not been residing along with them. It was also reported that the appellant is living on second floor of the same property with his uncle namely Sudarshan Kumar as paying guest and paying Rs.7000/- monthly as rent however as noted earlier that no such rent agreement has been placed on record. Furthermore it is not believable that a person who is allegedly earning Rs.9000/- pm only will be spending Rs.7000/- monthly as rent.

15. It is also to be noted that the appellant has filed the ITRs of assessment year 2020-2021 and 2022-23 but the ITRs for the assessment year 2021-22 has not been placed on record. The ITRs filed by the appellant shows that he has got other sources of income. Though the appellant has tried to justify the other incomes as consultancy charges received by him and the TDS deposited by him for the parties. But that justification does not appear to be explanatory and plausible in the absence of any material to substantiate the same. For the aforesaid reasons, in my considered opinion, the Ld. Trial Court has rightly observed that appellant is deliberately concealing his true income from the court so as to avoid payment of maintenance.

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19. Considering the facts and circumstances of the case, the claim of the appellant that he is working as an employee in the business of his mother at a meager of salary of Rs.9000/- does not appear to be bonafide and it appears to be a ruse to avoid the payment of maintenance to the minor children. I do not find any illegality and infirmity in the impugned order and the Ld. Trial court has considered all the material and contentions and has passed a reasoned order by directing the appellant to pay interim maintenance of Rs.30,000/- pm. i.e Rs. 10,000/- to each minor child in view of the needs and requirements of the minor children. The present appeal is devoid of any merit and the same is hereby dismissed.”

### **SUBMISSIONS BEFORE THE COURT**

5. Assailing the aforesaid orders, the learned counsel appearing for the petitioner-husband argues that the petitioner is financially incapable of paying interim maintenance of ₹30,000/- per month, as



his monthly income is merely ₹9,000/-, which he earns while working as a homeopathic pharmacist. It is contended that, admittedly, the respondent-wife is earning ₹34,500/- per month, which is substantially higher than the petitioner's income. The learned counsel further argues that there is a categorical admission in the complaint filed by the respondent-wife acknowledging that the petitioner did not have a stable career and that his career graph had been consistently declining. It is submitted that the respondent-wife has deliberately concealed material facts, including the circumstance that the petitioner and his family members had encouraged her to pursue higher education and had also borne necessary expenses to enable her to take up employment. The learned counsel contends that despite the petitioner's precarious financial condition, the learned Trial Court passed interim orders dated 04.02.2023 and 03.07.2023 directing the petitioner to pay amounts of ₹64,000/- and ₹56,400/- respectively, apart from interim maintenance of ₹30,000/- per month. It is urged that these amounts were paid by the petitioner only after borrowing money from his relatives. It is further submitted that the petitioner had filed his written statement on 21.04.2023, wherein he has asserted that the respondent-wife had left the matrimonial home without sufficient cause and that she was working at Sharda University and was earning approximately ₹45,000/- per month, rendering her capable of maintaining herself, whereas the petitioner was earning only ₹9,000/- per month. Reference is also made to the income affidavit filed by the respondent-wife, wherein she had



disclosed a monthly income of ₹34,500/-, personal expenses of ₹20,000/- per month, and expenditure of ₹50,000/- towards the minor children. The learned counsel further submits that in June 2023, the petitioner had filed his income affidavit reiterating that his monthly income was ₹9,000/-, while his monthly expenses were ₹12,000/-, in addition to payment of ₹7,000/- per month as rent to his uncle and aunt, with whom he was residing as a paying guest. It is contended that, in these circumstances, the award of interim maintenance of ₹30,000/- per month is excessive and arbitrary. It is also argued that the Income Tax Returns (ITRs) placed on record demonstrate the petitioner's declining financial condition. For the assessment year (AY) 2020–21, his income was ₹4,47,050/-, and for AY 2022–23, it was ₹4,96,390/-. No return was filed for AY 2021–22 as his income was stated to be nil, and for the AY 2023–24, the return also reflects nil income, as the petitioner is presently earning only ₹9,000/- per month. This, according to the learned counsel, clearly establishes that the petitioner is struggling to make ends meet and that the decline in his career has occurred due to circumstances beyond his control. It is also alleged that the conduct of the respondent-wife and her family members towards the petitioner has been egregious. It is contended that on 22.04.2025, when the petitioner was meeting his children, he was allegedly assaulted by family members of the respondent, resulting in grievous injuries for which he had to be hospitalized and was constrained to lodge an FIR at the concerned police station. It is further submitted that the respondent-wife and her family members





do not permit the petitioner to meet his children and have adopted a hostile attitude towards him. Lastly, it is contended that the learned Sessions Court, while passing the impugned judgment, failed to consider the law laid down by the Hon'ble Supreme Court in ***Padmja Sharma v. Ratan Lal Sharma***: (2000) 4 SCC 266, wherein it was held that both parents are obligated to contribute towards the maintenance of their children. It is urged that fastening the entire responsibility of maintenance upon the petitioner, despite the respondent-wife earning substantially more than him, is contrary to the aforesaid settled legal principles. It is thus prayed that the impugned judgment be set aside.

6. *Per contra*, the learned counsel appearing for the respondent-wife submits that there is no infirmity in the orders passed by the learned Trial Court and Sessions Court. It is contended that the respondent-wife has not sought any interim maintenance for herself and that the impugned order pertains exclusively to maintenance for the three minor children, who are in her custody. It is argued that both parents have a joint legal, moral, and social obligation to maintain their children, and the mere fact that the respondent-wife is earning does not absolve the petitioner-husband of his responsibility to contribute towards their maintenance. The learned counsel further submits that the petitioner-husband has been deliberately misleading the Court by claiming that he is earning only ₹9,000/- per month as a pharmacist; and in fact, he is working at “Makhija Pharmacy”, which is owned and operated by his own mother. It is contended that the



respondent-wife, who is earning about ₹35,000/- per month, is not only maintaining herself but is also bearing the entire responsibility of raising and maintaining three minor children, including expenses towards school fees, tuition, medical care, and other day-to-day necessities, as reflected from the documents placed on record before the learned Trial Court. It is further argued that the respondent-wife has neither been granted any residence order nor any monetary relief towards rent. It is pointed out that although a report dated 17.10.2023 submitted by SI Sanjay Kumar of Police Station Shahdara states that the petitioner-husband was debarred by his parents from their properties, the said plea stands belied by the admitted position that the petitioner continues to work in the pharmacy owned by his mother. It is submitted that the petitioner is highly qualified, holding an MBA degree and a diploma in Homeopathy, is a credit card holder, and has incurred various expenditures through his credit card, clearly indicating multiple sources of income and a standard of living inconsistent with his claimed income. It is also contended that the plea of debarment and separate residence is an afterthought. The complaint under the PWDV Act was filed on 01.12.2022, whereas the alleged proclamation of debarment was issued four months thereafter. The learned counsel submits that the petitioner-husband continues to reside in the parental property, as is evident from the warrants of attachment issued by the learned Trial Court, which were returned with a report stating that the petitioner was residing on the second floor of the same property. Despite claiming to reside as a



paying guest in his uncle's property at a monthly rent of ₹7,000/-, the petitioner has failed to place any rent agreement or supporting document on record. It is also argued that a perusal of the bank statements of the petitioner-husband reveals substantial credit entries from various entities, further demolishing his plea of limited means. On these grounds, learned counsel submits that the present revision petition is devoid of merit and is liable to be dismissed.

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

#### **ANALYSIS & FINDINGS**

8. The issues that arise for consideration before this Court relate to the grant of interim maintenance to the three minor children, the quantum of such maintenance, the assessment of the financial position of the petitioner-husband, and the respective responsibility of the parties towards maintaining the minor children.

#### ***Financial position of the respondent-wife***

9. So far as the *financial position of the respondent-wife* is concerned, there is no dispute between the parties. It stands admitted that the respondent-wife is employed at 'X' University and is earning about ₹35,000/- per month. It is equally undisputed that she has not sought any interim maintenance for herself in the proceedings under the PWDV Act. The relief granted by the learned Trial Court is



confined strictly to maintenance for the three minor children. The petitioner's grievance, therefore, is not with respect to any monetary relief granted to the respondent-wife for her personal expenses, but only in relation to the quantum of maintenance awarded towards the minor children.

10. It is also not in dispute that the respondent-wife is presently residing at her parental home and has the custody of all three minor children. The petitioner-husband does not have the custody of any of the children. The day-to-day responsibility of their upbringing, including their education, medical needs, and general welfare, thus squarely rests upon the respondent-wife.

***Financial position of the petitioner-husband***

11. Coming to the *financial position of the petitioner-husband*, it is his case that he is earning only ₹9,000/- per month while working as a pharmacist. However, a careful examination of the record reveals that this assertion does not inspire confidence and stands contradicted by the material placed on record. The petitioner admittedly holds a Master's degree in Business Administration and also holds a diploma in pharmacy. Despite such qualifications, he claims to be earning a meagre income of ₹9,000/- per month. This claim assumes significance when viewed alongside his own ITRs. This Court notes that his ITR for the AY 2020–21 reflects an annual income of about ₹4.5 lakhs, and the ITR for AY 2022–23 reflects an income of about ₹5 lakhs, which would roughly mean monthly income of more than



₹40,000/-. The petitioner has not placed on record any ITRs for the AY 2021–22 and 2023–24. No satisfactory explanation has been offered for the non-filing of ITRs for these years, except for stating that he had NIL income in these years.

12. The plea of earning only ₹9,000/- per month is further belied by the bank statements placed on record. Both the learned Trial Court and the learned Sessions Court have noted that the petitioner's bank account statements reflect multiple credit entries from different sources. Additionally, the petitioner is a credit card holder and has made payments through the said credit card. This Court finds merit in the observation of the Courts below that it is difficult to reconcile the possession and usage of a credit card with the claim of earning only ₹9,000/- per month.

13. Further, the petitioner has also taken inconsistent stands with respect to his residence and family ties. On the one hand, he claims to have been debarred and disowned by his parents, yet on the other hand, he admits to working in a pharmacy owned and run by his mother. He has also claimed that he resides as a paying guest in his uncle's property and pays rent of ₹7,000/- per month. However, no rent agreement or supporting document has been placed on record to substantiate this claim. On the contrary, when warrants of attachment were issued during the pendency of the proceedings, the same were returned with a report stating that the petitioner was residing on the second floor of the very same property owned by his family. This factual aspect has been concurrently noted by both Courts below.



14. In these circumstances, the finding recorded by the learned Trial Court, as affirmed by the learned Sessions Court, that the petitioner has not made a full disclosure of his income and has sought to understate his earning capacity, cannot be said to be perverse or unreasonable. This Court, therefore, is of the opinion that for the purpose of deciding interim maintenance, his income can be reasonably assessed at ₹40,000/- per month, considering his ITRs available on record, as noted in paragraph 11 above.

***Shared Responsibility of maintaining minor children***

15. It is well-settled that the obligation to maintain minor children is not only a statutory duty but also a legal, moral, and social responsibility of both parents. Maintenance of children is not confined to bare subsistence; it encompasses their overall upbringing, education, health, and standard of living, consistent with the means and status of the parents.

16. In ***Padmja Sharma v. Ratan Lal Sharma*** (*supra*), the Hon'ble Supreme Court observed that where both parents are earning, they are required to contribute towards the maintenance of their children in proportion to their respective incomes. The Court held that:

11. If we take the approximate salary of the husband as twice as much as that of the wife, they are bound to contribute for maintenance of their children in that proportion."

17. In ***Rajnish v. Neha***: (2021) 2 SCC 324, the Hon'ble Supreme Court reiterated that an able-bodied husband cannot escape his



obligation to maintain his children by pleading lack of income, particularly when such a plea is unsupported by complete and honest disclosure. It was also held that while expenses may be shared proportionately if the wife is earning, the primary obligation to meet educational and essential expenses ordinarily rests upon the father. It was held as under:

“66. An able-bodied husband must be presumed to be capable of earning sufficient money to maintain his wife and children, and cannot contend that he is not in a position to earn sufficiently to maintain his family, as held by the Delhi High Court in *Chander Prakash Bodhraj v. Shila Rani Chander Prakash*. MANU/DE/0028/1968 : AIR 1968 Delhi 174 The onus is on the husband to establish with necessary material that there are sufficient grounds to show that he is unable to maintain the family, and discharge his legal obligations for reasons beyond his control. If the husband does not disclose the exact amount of his income, an adverse inference may be drawn by the Court

(d) Maintenance of minor children

68. The living expenses of the child would include expenses for food, clothing, residence, medical expenses, education of children. Extra coaching classes or any other vocational training courses to complement the basic education must be factored in, while awarding child support. Albeit, it should be a reasonable amount to be awarded for extra-curricular/coaching classes, and not an overly extravagant amount which may be claimed.

69. Education expenses of the children must be normally borne by the father. If the wife is working and earning sufficiently, the expenses may be shared proportionately between the parties...”

18. In *Rajat Johar v. Divya Johar*: 2017 SCC OnLine Del 11790, the Coordinate Bench of this Court reiterated that both parents have a duty to provide the child the best possible upbringing within their



means, and the earning capacity of the custodial parent does not absolve the non-custodial parent of his responsibility. It was observed as follows:

“17. It is a settled principle of law that both the parents have a legal, moral and social duty to provide to their child the best education and standard of living within their means. The mere fact that the spouse with whom the child is living is having a source of income, even if sufficient, would in no way absolve the other spouse of his obligation to make his contribution towards the maintenance and welfare of the child, even if, the means/income/salary of that spouse may be less than the means/income/salary of the other spouse.

18. The Apex Court in *Noor Khatoon v. Mohd. Quasim*; 1997 *Crl. L.J.* 3972 has made the observation that a father having sufficient means has the obligation to maintain his minor children who are unable to maintain themselves till they attain majority and in case of females till they get married.”

19. Similarly, in *Farooq Ahmed Shala v. Marie Chanel Gillier*: 2019 *SCC OnLine Del* 8972, it was observed that the mere fact that the wife is earning does not absolve the husband of his responsibility to maintain his minor children. The relevant observations are extracted hereunder:

“18. Mere fact that the respondent wife is earning does not absolve the petitioner of his responsibility to maintain his three minor daughters. Admittedly, the petitioner is a businessman and was running businesses not only in Delhi but also in Jammu & Kashmir, before the time disputes commenced and even after that for some time. No reason or material has been placed on record by the petitioner to even prima facie show that he is incapable or incapacitated from earning.

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21. Petitioner has a legal, social and moral responsibility to not only maintain his wife but also his children. Even if assuming that the respondent is earning, the same cannot be a reason for





the petitioner to avoid the responsibility and duty of maintaining his minor daughters.

22. A child for her upbringing does not only require money. A lot of time and effort goes in upbringing of a child. It would be incorrect to hold that both the parents are equally responsible for the expenses of the child. A mother who has custody of a child not only spends money on the upbringing of the child but also spent substantial time and effort in bringing up the child. One cannot put value to the time and effort put in by the mother in upbringing of the child. No doubt, mother, if she is earning, should also contribute towards the expenses of the child but the expenses cannot be divided equally between the two.”

### ***The Conduct of the Parties: Recapitulated***

20. Cases relating to maintenance cannot be decided in isolation, divorced from social realities and the well-settled jurisprudence governing the grant of maintenance. Self-serving statements made by a party, particularly with respect to income, cannot form the sole basis for adjudicating a claim for maintenance.

21. In the present case, the ITRs filed by the petitioner-husband for the AY 2020–21 and 2022–23, i.e. for periods prior to the filing of the complaint under the PWDV Act in the year 2022, disclose an income of about ₹40,000-45,000/- per month. The petitioner has been unable to offer any credible or satisfactory explanation for the drastic decline in income now claimed by him, i.e. ₹9,000/- per month. Significantly, there is nothing on record to suggest that his earning capacity has diminished due to any circumstance beyond his control. The petitioner has also sought to contend that he had been debarred by his parents from the parental properties. This claim was found not



only to be misleading but also *prima facie* false. To reiterate, the record reveals that the publication of the notice of debarment was made nearly four months after the filing of the maintenance petition, raising serious doubts about its bona fides. Further, the material placed on record clearly indicates that the petitioner continues to reside in the same property as his parents and remains engaged in the pharmaceutical business run by his mother. His assertion of residing in rented accommodation stands belied not only by these factual circumstances but also by the complete absence of any rent agreement or proof of payment of rent, even though the alleged landlord is stated to be his own uncle.

22. In the backdrop of the aforesaid conduct of the petitioner-husband, it is equally necessary to examine the conduct of the respondent-wife. The respondent-wife is a working woman earning approximately ₹34,500/- per month and is single-handedly bearing the responsibility of raising three minor children aged about eleven, seven, and five years. It is significant that she has neither sought any maintenance for herself nor claimed any amount towards rental expenses, despite residing at her parental home along with the minor children. In contrast, the petitioner-husband continues to reside with his parents and, without placing any material or proof on record, seeks to persuade the Court that he is paying ₹7,000/- per month as rent to his uncle and his total expenses are ₹12,000/-, whereas he claims to be earning ₹9,000/- per month.



***Dual Burden of Employment and Responsibility of Raising Three Minor Children***

23. While deciding petitions for grant of maintenance, courts cannot remain oblivious to the social realities prevailing in society, where financial arrangements within families are often structured in a manner that obscures the true income of a party. In cases where the material on record indicates a deliberate understatement of income, a comparative analysis of prior financial disclosures and the present stand taken before the Court, when tested against surrounding circumstances, may legitimately raise serious doubts regarding the veracity of a party's assertions about income.

24. The argument of the learned counsel for the petitioner that, despite earning about ₹34,000/-, the wife is unjustifiably claiming maintenance for the children, which reflects misuse of the laws of maintenance and a sense of entitlement as a woman, in this Court's opinion, **needs to be rejected outrightly**. The conduct of the wife herein, who is a working woman, shows that she is compelled to shoulder a **dual burden**, i.e., of fulfilling her professional obligations alongside her responsibility of taking care of three minor children single-handedly. In such cases, a Court has to be cautious not to equate mere employment of the primary caregiver with financial sufficiency. The earning capacity of the working parent, whether husband or wife, in whose custody the minor children are, does not erase or diminish that parent's responsibility as a caregiver, who continues to bear the burden of shouldering the dual responsibility of



earning as well as being the primary caregiver to the minor children. In such cases, the obligation of the father towards the minor children does not diminish merely because the wife has been forced to shoulder this dual responsibility.

25. In this background, this Bench in *Vineet Gupta v. Bhawna Gupta*: 2025 SCC OnLine Del 4385, had observed as under:

“24. In this Court's opinion, a child who is living with a **single parent** should not feel deprived, either materially or emotionally. Maintenance must ensure that the child is able to live with the same dignity as he would have, had he been living with both the parents, particularly with the financial security that may have come from the father's support. The issue is not merely of the sustenance, but about preserving the child's self-esteem, continuity in education, lifestyle, and access to opportunities. The Court has to consider the needs of a vulnerable child and the parent - be it mother or father - who has taken on the primary responsibility for that child's upbringing. Therefore, the judicial lens must widen beyond the binary of marital conflict and instead focus on creating a framework of dignity, continuity, and care for the child.

25. This Court also remains conscious of the fact that every child has innumerable daily needs - many of which are intangible, small, and incapable of precise articulation in a petition which may be filed before a court of law. These could range from school-related requirements, minor medical needs, hobbies, social activities, to something as ordinary yet important as going on a picnic with friends. Such needs are essential for the holistic development of a child and cannot be ignored merely because they are not quantifiable or specifically listed.

26. The maintenance is not meant to belittle the non-custodial parent, nor is it a measure of punishment. Similarly, the custodial parent should not be viewed as someone seeking charity or alms. Maintenance is not a favour; it is a recognition of shared parental responsibility, and of the child's right to be supported.”



26. In *Sumit Sharma v. Navita*: 2025:DHC:11341 also, this Bench has observed as follows:

“16. This Court observes that while adjudicating disputes before a Family Court, it is neither appropriate nor permissible to assess the caregiving capacities of a parent through a gendered lens. Just as this Court readily accepts that a **single mother** caring for her child is providing, to the fullest extent possible, the love, care, and emotional security of both parents, the same principle must apply where a single father is entrusted with the care and upbringing of minor children. The role of a caregiver, whether assumed by the mother or the father, entails equal emotional, psychological, and material commitments, and the effort involved cannot be discounted merely because the caregiver is the father.”

27. The **conduct of the wife** in the present case, in this Court’s opinion, **does not reflect entitlement, but a sense of responsibility** towards the children born from the wedlock, i.e., the union of the husband as well as the wife. It also reflects not entitlement or dependency, but an effort to make the other partner realise his responsibility towards the children.

28. In a case such as the present one, a Court of law cannot burden, nor does the law mandate, **that the working mother should be forced to exhaust herself** physically, emotionally, and financially, and allow the father to take refuge behind selective, misleading disclosures about his income and technical pleas.

### ***Conclusion***

29. The law of maintenance, while being applied by a Court of law, cannot be treated as a mere contest between two parties as to



who earns less on paper, but requires an **overall and holistic assessment** as to who is **bearing the real burden** of upbringing, daily sustenance, and needs of growing children, as compared to one who is *prima facie* and evidently shirking his responsibilities by misleading the Court.

30. Every case of maintenance decided also adjudicates and signifies that parenthood is a **matter of responsibility and not of convenience of a party**. Financial disclosures, therefore, must be adjudicated on the basis of the material on record and assessed in the background of social realities.

31. The **prime concern** always remains the welfare of the children, as well as the dignity of a working woman, which should not be permitted to be compromised on the basis of *prima facie* **artificial arrangements** created by the father of the minor children and vice-versa, depending on the facts of the case.

32. The Court remains conscious of the fact that the earning of the wife and her assumption of responsibility of taking care of three minor children cannot be **construed** as an admission that the needs of the children are being adequately met or that the father stands **absolved** of his parental obligations. The Court is also mindful of the social reality that the fact of a woman's earning or employment does not eliminate or absolve her of the financial, emotional, social, and other burdens connected with child-rearing.

33. The petitioner-husband in the present case has failed to make a



truthful disclosure of his income, and the record reveals a *prima facie* attempt on his part to suppress his actual income, thereby not reflecting his genuine financial capacity or earning. Consequently, this Court is of the view that irrespective of the respondent-wife's employment and her decision not to seek maintenance for herself or a right to residence, the obligation of the petitioner towards his minor children remains undiluted, in accordance with the settled principles governing the law of maintenance, and he cannot be permitted to shirk away from his responsibility by projecting an income of ₹9,000/- per month, particularly when he is an MBA, his own ITRs reflect a much higher earning capacity.

### ***Decision***

34. Admittedly, the petitioner-husband does not claim to have any other dependents. Even if the income of the petitioner is assessed conservatively on the basis of the material placed on record, i.e. about ₹40,000/- per month and the formula laid down by this Court in *Annurita Vohra v. Sandeep Vohra: 2004 SCC OnLine Del 192* is applied, three-fifths of his income would be liable to be apportioned towards the maintenance of the minor children. On such an assessment, the petitioner's contribution towards the maintenance of the three minor children would arrive at ₹25,000/- per month.

35. It is also a matter of record that the eldest child is presently about 11 years of age, the second child is about 7 years old, and the youngest child is about 5 years old. Having regard to their age and



overall requirements, this Court is of the view that a consolidated amount of ₹25,000/- per month towards their maintenance would adequately serve the ends of justice. With this, the petitioner would be left with an amount of ₹15,000/- in his hands (considering his income being assessed at ₹40,000/-), while the petitioner himself claims that his expenses are ₹12,000/- per month.

36. The respondent-wife, who is earning about ₹34,000/- per month, would also be contributing towards the expenses of the minor children. Even if her income is apportioned in a manner similar to that of the petitioner, she would be bearing expenses of at least ₹20,000/- per month towards the children. Apart from this financial contribution, the respondent-wife is also attending to the day-to-day needs of the minor children and is responsible for their physical care, supervision, schooling, health, and overall upbringing, **which cannot be assessed in monetary terms and is priceless**. Thus, when viewed cumulatively, the total contribution towards the maintenance and upbringing of the three minor children would be in the range of approximately ₹45,000/- per month, out of which, the petitioner has to be held liable to bear at least ₹25,000/- per month.

37. Accordingly, while affirming the findings of the learned Trial Court and the learned Sessions Court on the issue of responsibility of the petitioner-husband to maintain the minor children, the impugned orders are modified to the limited extent that the interim maintenance payable by the petitioner-husband towards the three minor children shall stand reduced from ₹30,000/- per month to ₹25,000/- per





month, payable from the date of filing of the petition, subject to adjustment of any amount already paid.

38. With the aforesaid modification in the quantum of interim maintenance, the impugned orders are upheld.

39. The revision petition alongwith pending applications, is disposed of, in the above terms.

40. It is however clarified that the observations made herein are confined to the determination of interim maintenance and shall not influence the merits of the pending trial, which shall be decided independently based on the evidence led by the parties.

41. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**DECEMBER 27, 2025/A/ns**

*T.D./T.S.*