



2026:DHC:9418-DB



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

Date of decision: 12th OCTOBER, 2026

IN THE MATTER OF:

CNR No. DLHC010492942026

+ **MAT.APP.(F.C.) 387/2026**

SH. SANJAY

.....Appellant

Through: **Mr. Jai Bansal and Ms. Namrata
Kathuria, Advocates.**

versus

SMT. BHARTI VERMA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MS. JUSTICE RENU BHATNAGAR

JUDGMENT (ORAL)

CM APPL. 71029/2026 & CM APPL. 71030/2026 (Exemption)

Allowed, subject to all just exceptions.

MAT.APP.(F.C.) 387/2026 & CM APPL. 71031/2026

1. The present Appeal under Section 19 of the Family Courts Act, 1984 has been filed by the Appellant/Husband against the Order dated 17.07.2026 passed by the Ld. Principal Judge, Family Court, Patiala House Courts, New Delhi [**'Family Court'**] in HMA Petition No.763 of 2024, whereby the Ld. Family Court has awarded *ad-interim* maintenance of Rs.15,000/- per month in favour of the Respondent/Wife under Section 24 of the Hindu Marriage



Act, 1955 ['HMA'].

2. Shorn of unnecessary details, the facts which are germane to decide the present Appeal are that the marriage between the Appellant and the Respondent was solemnised on 09.12.2021 according to Hindu rites and ceremonies in Delhi. There is no child born out of the said wedlock. It is stated that after marriage, the Appellant got to know that the Respondent is suffering from "Neurological Disorder Schizophrenia". Thereafter, matrimonial discords arose between the parties and the Respondent left the matrimonial home. Subsequent thereto, the Respondent filed a divorce petition being HMA No.763/2024 under Section 13(1)(ia) of the HMA along with an application under Section 24 of the HMA seeking maintenance of Rs.55,000/- per month along with litigation expenses of Rs.25,000/-.

3. To ascertain the amount of maintenance, income affidavits of both the Appellant and the Respondent were sought for by the Ld. Family Court. The Appellant, in his income affidavit, stated that he is staying with his parents and his monthly expense is Rs.8,000/- per month. The Appellant in his affidavit has not stated as to where he is working and also not mentioned about his source of income. The Respondent, in her affidavit, stated that she is a graduate in nursing and her monthly expense is Rs.25,000/- per month, and she does not have any professional income. The Petitioner and the Respondent also got themselves examined. The Ld. Family Court *vide* the Impugned Order dated 17.07.2026, after considering the evidence adduced by both the Parties, has fixed the income of the Appellant roughly at around Rs.45,000/- to 50,000/- per month and directed the Appellant to pay a sum of Rs.15,000/- per month as maintenance to the Respondent from the date of filing of the divorce petition till the disposal of the divorce petition, apart



from Rs.15,000/-, which was recorded to be already awarded in favour of the Respondent as litigation expenses to be paid by the Appellant.

4. It is this Order dated 17.07.2026 passed by the Ld. Family Court which is under challenge in the present Appeal.

5. It is well settled that the Parties in a matrimonial litigation at the time of fixation of maintenance do not come up with correct particulars and have a tendency to hide their income and exaggerate their expenses. This fact has been recognised by the Apex Court in Rajnesh v. Neha, (2021) 2 SCC 324 wherein the Apex Court has observed as under:

“63. At present, the issue of interim maintenance is decided on the basis of pleadings, where some amount of guesswork or rough estimation takes place, so as to make a prima facie assessment of the amount to be awarded. It is often seen that both parties submit scanty material, do not disclose the correct details, and suppress vital information, which makes it difficult for the Family Courts to make an objective assessment for grant of interim maintenance. While there is a tendency on the part of the wife to exaggerate her needs, there is a corresponding tendency by the husband to conceal his actual income. It has therefore become necessary to lay down a procedure to streamline the proceedings, since a dependent wife, who has no other source of income, has to take recourse to borrowings from her parents/relatives during the interregnum to sustain herself and the minor children, till she begins receiving interim maintenance.”

6. The Ld. Family Court, while looking at the material, has observed that though the Appellant has stated that he has no income, and he has stated that



he has taken a loan of R.3,76,000/- approx, from AU Finance Bank, loan of Rs.2,25,000/- approx with SBI credit card and there is also mention of two other credit cards of Kotak Mahindra Bank and Citi Bank. The Appellant has also stated that he is paying EMIs for the loans. The Ld. Family Court, however analysed the bank statement of Union Bank of India for the period from 21.10.2022 to 21.09.2025 filed by the Appellant which shows that during the said period of three years, there are credit entries to the tune of Rs.30,45,021.42 and there are debit entries of Rs.30,45,006.53. The Ld. Family Court also observed that the credit entries show that there are transactions showing transfer of Rs.49,900/- on 18.11.2022, Rs.10,000/-, Rs.5,000/-, Rs. 14,000/-, Rs.20,000/-, Rs. 17,000/- and Rs. 12,000/- on certain dates and entry of Rs.4 lakhs on 20.03.2024, entry of Rs.2 lakhs on 18.05.2024, entry of Rs.2 lakhs on 03.07.2024, entry of Rs.2 lakhs on 10.07.2024, credit entry of Rs.20,000/- on 15.08.2024 and there are number of entries, which are of Rs.12,000/- or below amount, totalling to Rs.30,45,021.42 as on 12.09.2025 which categorically show that there are continuous credit entries in his account and therefore he has not come up with clean hands.

7. In such circumstances, the Ld. Family Court had no other option but to guess and assume the income of the Appellant which was estimated by the Ld. Family Court at around Rs.45,000/- to 50,000/- per month.

8. It is well settled that the object of granting maintenance is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of failure of marriage. The purport of granting maintenance has been laid down by the Apex Court in several judgments which is to save the wife from penury and to enable her to live in circumstances which are more



or less similar to the time before marriage. The Apex Court in Rajnesh (supra) has observed as under:

*“77. The objective of granting interim/permanent alimony is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. **There is no straitjacket formula for fixing the quantum of maintenance to be awarded.***

78. The factors which would weigh with the court inter alia are the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife. [Refer to Jasbir Kaur Sehgal v. District Judge, Dehradun, (1997) 7 SCC 7; Refer to Vinny Parmvir Parmar v. Parmvir Parmar, (2011) 13 SCC 112 : (2012) 3 SCC (Civ) 290]

79. In Manish Jain v. Akanksha Jain [Manish Jain v. Akanksha Jain, (2017) 15 SCC 801 : (2018) 2 SCC (Civ) 712] this Court held that the financial position of the parents of the applicant wife, would not be material while determining the quantum of maintenance. An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a



claim has no independent income, sufficient for her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual situations; the court should mould the claim for maintenance based on various factors brought before it.

80. *On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able-bodied and has educational qualifications. [Reema Salkan v. Sumer Singh Salkan, (2019) 12 SCC 303 : (2018) 5 SCC (Civ) 596 : (2019) 4 SCC (Cri) 339]*

81. *A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. [Chaturbhuj v. Sita Bai, (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356] The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so*



meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

82. Section 23 of the HAMA provides statutory guidance with respect to the criteria for determining the quantum of maintenance. Sub-section (2) of Section 23 of the HAMA provides the following factors which may be taken into consideration : (i) position and status of the parties, (ii) reasonable wants of the claimant, (iii) if the petitioner/claimant is living separately, the justification for the same, (iv) value of the claimant's property and any income derived from such property, (v) income from claimant's own earning or from any other source.

83. Section 20(2) of the DV Act provides that the monetary relief granted to the aggrieved woman and/or the children must be adequate, fair, reasonable, and consistent with the standard of living to which the aggrieved woman was accustomed to in her matrimonial home.

84. The Delhi High Court in *Bharat Hegde v. Saroj Hegde* [Bharat Hegde v. Saroj Hegde, 2007 SCC OnLine Del 622 : (2007) 140 DLT 16] laid down the following factors to be considered for determining maintenance : (SCC OnLine Del para 8)

- "1. Status of the parties.*
- 2. Reasonable wants of the claimant.*
- 3. The independent income and property of the claimant.*
- 4. The number of persons, the non-applicant has to maintain.*
- 5. The amount should aid the applicant to live in a similar lifestyle as he/she enjoyed in the matrimonial home.*



6. *Non-applicant's liabilities, if any.*
7. *Provisions for food, clothing, shelter, education, medical attendance and treatment, etc. of the applicant.*
8. *Payment capacity of the non-applicant.*
9. *Some guesswork is not ruled out while estimating the income of the non-applicant when all the sources or correct sources are not disclosed.*
10. *The non-applicant to defray the cost of litigation.*
11. *The amount awarded under Section 125 CrPC is adjustable against the amount awarded under Section 24 of the Act."*

85. Apart from the aforesaid factors enumerated hereinabove, certain additional factors would also be relevant for determining the quantum of maintenance payable."

(emphasis supplied)

9. In the opinion of this Court the Judgment of the Family Court is within the parameters of the Judgment passed of the Apex Court.
10. In the present Appeal, hardly any explanation is forthcoming from the Appellant explaining the series of credit entries in his bank account. In the absence of any explanation, this Court is not inclined to come to the conclusion that the decision arrived at by the Ld. Family Court of estimating the income of the Appellant at around Rs.45,000/- to 50,000/- per month is *sans* any material, requiring interference by this Court while exercising its jurisdiction under Section 19 of the Family Courts Act.
11. This Court is of the opinion that a sum of Rs.15,000/- granted by the Ld. Family Court as maintenance in favour of the Respondent is just, fair



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and reasonable.

12. In view of the above, the present Appeal is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

OCTOBER 12, 2026

S. Zakir

Signature Not Verified
HARIOM SINGH KIRMOLIYA

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