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

CNR No. DLHC010470112026

+ **CRL.REV.P.(MAT.) 598/2026 & CRL.M.A. 30655/2026,
CRL.M.A. 30656/2026**

[REDACTED]

.....Petitioner

Through: Ms. Mishika Singh & Ms. Akshya
Singh, Advs.

[REDACTED]

versus

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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29.09.2026

1. This hearing has been done through hybrid mode.
2. By way of the present petition filed under Sections 438 read with 442 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), the petitioner is seeking setting aside of the impugned order dated 11.06.2026 passed by the learned Judge, Family Court, Tis Hazari Courts. The petitioner is also seeking enhancement of the amount of interim maintenance allowed *vide* order dated 11.06.2026.

BRIEF FACTUAL MATRIX

3. The marriage between the petitioner and the respondent was solemnized on 12.12.2018 as per Hindu rites and ceremonies. No child was born from the wedlock. According to the petitioner, she was subjected to cruelty and dowry related harassment by the respondent and his family



members. On 13.04.2019, the respondent allegedly assaulted the petitioner and her mother at the petitioner's parental home, whereafter the parties started residing separately. The petitioner further alleges that her stridhan continues to remain with the respondent and his family members.

4. Thereafter, several proceedings were initiated between the parties, including **FIR No. 185/2019** for the offences punishable under Sections 323, 341 and 506 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') at P.S. Paschim Vihar East; a complaint under the Protection of Women from Domestic Violence Act, 2005 bearing **M.C. No. 301/2019**; **FIR No. 139/2019** for the offences punishable under Sections 323, 354, 506 and 509 of IPC at P.S. Budh Vihar against the petitioner's brother-in-law; and **FIR No. 407/2019** for the offences punishable under Sections 498A, 406 and 34 IPC at P.S. Paschim Vihar East against the respondent and his family members. The said proceedings are stated to be pending before the respective Courts.

5. The petitioner filed the maintenance petition on 28.05.2019 and, on the same date, an application seeking interim maintenance. The application was ultimately decided by the learned Family Court *vide* the impugned order dated 11.06.2026.

6. While considering the financial position of the parties, the learned Family Court recorded that the respondent is a supplier of hardware material and that his father has a sanitary shop where the respondent also sits. On consideration of the material on record and the totality of the circumstances, the learned Family Court assessed the respondent's income at ₹80,000/- to ₹90,000/- per month. The petitioner was stated to have no independent income. The learned Family Court accordingly awarded ₹15,000/- per month as *ad interim* maintenance.



Submissions on behalf of the Petitioner

7. Learned counsel for the petitioner submits that the amount awarded is inadequate. It is contended that the respondent's income has itself been assessed at ₹80,000/- to ₹90,000/- per month, that he has no other dependants, and that his bank statements disclose substantial transactions running into lakhs of rupees. It is further submitted that there are discrepancies in the income affidavits filed by the respondent, which, according to learned counsel, cast doubt upon the correctness of the income disclosed by him.

8. Learned counsel for the petitioner submits that the petitioner has no independent source of income. Although she has completed B.Com. and LL.B., she is presently preparing for judicial services and is not earning. It is further submitted that her updated income and expenditure affidavit discloses substantial expenses towards coaching, books, medical expenses, insurance, and other necessities. Learned counsel also submits that the respondent is in arrears of more than ₹12 lakhs.

9. Learned counsel further submits that the petitioner had disclosed her financial circumstances through an income and expenditure affidavit filed in 2019 and subsequently through an updated affidavit in 2026. It is contended that the substantial increase in her expenditure is attributable, inter alia, to the passage of time and the expenses incurred towards her judicial services preparation and other necessities. It is argued that the learned Family Court ought to have taken a realistic view of the petitioner's present needs, particularly when the application for interim maintenance remained pending for approximately seven years.

10. Learned counsel submits that the learned Family Court has not



adequately appreciated the respondent's actual financial capacity and the material relating to his business and bank transactions. It is argued that the respondent has several financial resources and that the amount of ₹15,000/- per month bears no reasonable proportion to the income assessed by the learned Family Court. Learned counsel accordingly submits that the impugned order warrants interference and that the ad interim maintenance ought to be enhanced.

Findings and analysis

11. This Court has considered the submissions and perused the material placed on record.

12. In ***Rajnish v. Neha*, (2021) 2 SCC 324**, the Hon'ble Supreme Court has held that there is no straitjacket formula for determining maintenance. The Court is required to consider, inter alia, the status of the parties, reasonable needs of the claimant, educational and professional qualifications, independent income, standard of living, employment history and the financial capacity of the spouse liable to pay maintenance. The object is to ensure that the dependent spouse is not reduced to destitution or vagrancy.

13. In ***Annurita Vohra v. Sandeep Vohra*, 110 (2004) DLT 546**, this Court held that the Court must first arrive at the net disposable income of the earning spouse, take into account the income of the other spouse, if any, and thereafter apportion the available financial resources amongst the family members according to their financial requirements. This was described as the “Family Resource Cake”. The judgment does not lay down an inflexible mathematical formula for determining maintenance.

14. The aforesaid principles make it clear that maintenance cannot be



determined merely by applying a fixed percentage to the income of the earning spouse. The Court is required to undertake an overall assessment of the financial circumstances and reasonable needs of the parties.

15. In the present case, the learned Family Court has considered the respondent's occupation and financial position and, on the basis of the material before it, assessed his income at ₹80,000/- to ₹90,000/- per month. It has also taken into consideration the petitioner's financial position and her claim of having no independent income, and thereafter awarded ₹15,000/- per month as ad interim maintenance.

16. The petitioner has relied upon the respondent's bank transactions and the alleged discrepancies in his income affidavits to contend that his actual income is higher. However, the mere existence of transactions in a bank account cannot, without examination of their nature and source, automatically be treated as equivalent to monthly disposable income. The precise nature of such transactions and the respondent's actual financial position can be examined by the learned Family Court on the basis of complete evidence.

17. Likewise, the petitioner's lack of independent income and the expenditure claimed by her are relevant considerations. However, every expenditure claimed by a party cannot automatically become the amount payable as maintenance. The Court is required to determine reasonable needs in the context of the overall financial circumstances of both parties.

18. The fact that the interim application remained pending for approximately seven years is also noted. However, such delay, by itself, does not establish that the quantum determined by the learned Family Court is perverse or legally unsustainable.

19. This Court finds that the learned Family Court has considered the



relevant financial circumstances of the parties and has exercised its discretion in determining the ad interim maintenance. The petitioner has not demonstrated that the impugned order suffers from any patent illegality, perversity, jurisdictional error or material irregularity warranting interference in revisional jurisdiction.

20. The grievance of the petitioner essentially seeks re-assessment of the quantum of maintenance. Such re-assessment cannot be undertaken in revision in the absence of any perversity or material irregularity in the order under challenge.

21. As regards the alleged arrears, the issue of non-compliance with the maintenance order is distinct from the legality of the quantum fixed therein. The petitioner shall be at liberty to avail the appropriate remedy available in law for enforcement of the maintenance order, if so advised.

22. The proceedings before the learned Family Court are still pending. The questions relating to the respondent's actual income, bank transactions, assets, liabilities and the petitioner's reasonable expenditure may be considered by the learned Family Court on the basis of the complete material at the stage of final adjudication.

23. Accordingly, the present Petition is dismissed. Pending application(s), if any, stand disposed of.

24. It is clarified that the petitioner shall remain at liberty to seek appropriate modification of the interim maintenance before the learned Family Court in accordance with law, particularly upon any material change in circumstances.

25. Nothing contained in the present order shall prejudice either party before the learned Family Court at the stage of final adjudication.



26. The order be uploaded on the website forthwith.

MADHU JAIN, J

SEPTEMBER 29, 2026/prg/yt