



\$~80

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010492022026
+ **CRL.REV.P.(MAT.) 622/2026**

.....Petitioner

Through: Ms. Tanu Sharma, Mr. Rajeev Kumar
and Mr. Irshad Mohd, Advocates.

versus

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.10.2026**

CRL.M.A. 32025/2026 (seeking condonation of delay of 23 days in filing the revision petition)

1. For the reasons stated in the application, the same is allowed and the delay of 23 days in filing the revision petition is condoned.
2. The application stands disposed of.

CRL.M.A. 32026/2026 (seeking exemption from filing certified copies of annexures)

3. Exemption is granted, subject to all just exceptions.
4. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
5. Accordingly, the application stands disposed of.

CRL.REV.P.(MAT.) 622/2026 & CRL.M.A 32027/2026 (seeking stay)

6. This revision petition, filed under Section 19(4) of the Family Courts



Act, 1984 [“FC Act”] read with Sections 438, 442 and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”], assails the order dated 4th June, 2026, passed by the Principal Judge, Family Court, South District, Saket Courts, New Delhi, in MT Case No. 120/2025. By the impugned order, the Family Court awarded interim maintenance of INR 8,000/- per month to the Respondents, comprising INR 4,000/- per month for each Respondent, from the date of filing of the maintenance application until disposal of the main petition.

7. Ms. Tanu Sharma, counsel for the Petitioner, submits that the Petitioner suffers from 100% disability, being completely deaf and unable to speak, and is incapable of earning a livelihood due to the resulting communication difficulties. Reliance is placed on the disability certificate issued by a government hospital in Delhi. It is contended that the inference drawn by the Respondents regarding the Petitioner’s earning capacity is based on conjecture and surmise. Ms. Sharma further submits that the credit entries in the Petitioner’s bank account represent disability pension and that he has no independent source of income.

8. The Family Court considered the aforesaid contentions but assessed the Petitioner’s earning capacity with reference to the minimum wages prescribed for an unskilled worker in Delhi. The Court also observed that the Petitioner was a man of good physique and capable of undertaking work. In the Court’s view, his disability to hear may reduce his earning capacity to some extent, but cannot destroy it altogether. At the same time, the Petitioner’s disability cannot be assessed in isolation from his actual earning capacity.

9. Indisputably, the Petitioner’s disability existed before he married



Respondent No. 1 and subsequently became a parent to Respondent No. 2. Having assumed the responsibilities of marriage and parenthood, the Petitioner cannot rely on his disability alone to evade his obligation to maintain his family. The needs of the Respondents, particularly the minor child, must also receive due consideration.

10. At this stage, upon a *prima facie* consideration of the material placed on record, this Court considers it appropriate, until further orders, to direct interim maintenance of INR 6,000/- per month, comprising INR 4,000/- per month to Respondent No. 2 and INR 2,000/- per month to Respondent No.1.

11. The arrears of interim maintenance shall be recalculated at the revised rate of INR 6,000/- per month from the date stipulated in the impugned order. The Petitioner shall clear the arrears within the expiry of the timeline stipulated therein, and shall continue to pay interim maintenance at the rate of INR 6,000/- per month until the next date of hearing.

12. Issue notice to the Respondents by all permissible modes, upon filing of process fee, returnable on the next date of hearing.

13. The observations made herein are *prima facie* and confined to consideration of the interim arrangement at this stage. They shall not be construed as an expression of opinion on the merits of the revision petition.

14. Re-notify on 8th February, 2027.

SANJEEV NARULA, J

OCTOBER 12, 2026/as