2025:DHC:11147

$~

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

% *Judgment reserved on: 31.10.2025*
Judgment pronounced on: 10.12.2025
Judgment uploaded on: 15.12.2025

\+ **CRL.REV.P. 51/2025, CRL.M.A. 3555/2025 & CRL.M.A. 29426/2025**

.....Petitioner

Through: Mr. Prashant Mendiratta, Ms. Janvi Vohra, Mr. Akshat Kaushik, Ms. Veenu Singh, Ms.Vaishnavi Saxena and Ms. Aamya, Advocates

versus

.....Respondent

Through: Mr. Nawal Kishore Jha, Advocate.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. By way of this revision petition, the petitioner-husband has assailed the order dated 08.01.2025 [hereafter '*impugned order*'], passed by the learned Additional Sessions Judge-04, Patiala House Courts, New Delhi [hereafter '*Sessions Court*'] in CA No. 184/2024, wherein the learned Sessions Court has dismissed the appeal of the petitioner and upheld the order of interim maintenance dated

20.07.2024, passed by the learned MM, Mahila Court-01, Patiala House Courts, Delhi [hereafter '*Trial Court*'] in CC No. 1748/2022.

2. Briefly stated, the facts of the present case are that the marriage between the respondent-wife and the petitioner-husband was solemnized on 03.12.2018 at the Grand Hotel, Vasant Kunj, New Delhi, in accordance with Hindu rites and ceremonies. The petitioner states that at the time of marriage, the respondent was fully aware that he was not gainfully employed, and he had merely been nominated as a member of the Telephone Advisory Committee for a tenure of two years, which expired on 13.01.2024, and the said position was purely honorary with no salary attached to it. A few days after the marriage, disputes began to arise between the parties. The respondent alleges that throughout the marriage, she was allegedly subjected to continuous physical, verbal, emotional, sexual, and economic abuse by the petitioner and his family members. The petitioner, being an alcoholic, repeatedly assaulted and mistreated her and even attempted to burn her hand, leaving a permanent scar. The petitioner also took all her jewellery worth approximately Rs. 20 lakhs, which remains unlawfully withheld by him. In October 2019, the respondent discovered the petitioner's involvement with other women and obtained evidence of payments made for sexual activities. In August 2019, the parties shifted from the matrimonial home to a rented accommodation in Vasant Kunj. The lease deed was executed in the name of the petitioner's mother, who continued to pay the rent under pressure and threats from the petitioner. She

alleges that the subsequent termination of the lease was a deliberate act to harass, abandon, and deprive the respondent of support.

3. Thereafter, the respondent-wife had filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereafter '*PWDV Act*'] against the petitioner and his mother, which was first listed before the Trial Court on 05.09.2022. Vide order dated 27.02.2023, the parties were directed to file their income affidavits alongwith supporting documents.

4. By way of order dated 20.07.2024, the learned Trial Court disposed of the application for interim maintenance (under Section 23 of PWDV Act) and directed payment of interim maintenance in the sum of Rs. 50,000/- per month to the respondent-wife. The relevant portion of the said order is set out below:

> "13. It is undoubtedly clear that complainant has some source of income as reflected from the perusal of her bank statements. Similarly, Rl also has several transactions in his bank accounts which shows credits and multiple transactions with the name of "ONE 97 Communications L/NOIDA" "GRIP INVEST MITCON" and as per his ITRs he has total gross income as Rs. 9,12,586/- in assessment year 2019-20; then Rs. 5,76,670/- in assessment year 2020-21; Rs. 3,72,330/- in assessment year 2021-22 and therefore, his plea that he is not earning anything is not plausible.
>
> 14. On the other hand, complainant also fails to justify her monthly expenses@ Rs. 3,00,000/- p.m. It had already been observed by this Court in order dated 21.9.2022 both complainant and respondent no.l came from sound financial backgrounds.
>
> 15. Considering the aforesaid discussion, this Court holds that Rl tries to conceal his income from the Court. Therefore, it is presumed that Rl is having the similar financial status as

> complainant's and as it is the duty of husband to provide the similar status to a wife as established by law, Rl is directed to make payment of Rs. 50,000/- pm to the complainant from the date of filing of the petitioner she is entitled."

5. Aggrieved by the aforesaid order, the petitioner-husband had preferred an appeal under Section 29 of PWDV Act. *Vide* the impugned order dated 08.01.2025, the learned Sessions Court was pleased to dismiss the said appeal. The relevant portion of impugned order reads as under:

> "10. In the present case, the wife has stated that she is unemployed and financially dependent upon her husband. The husband has nowhere disclosed about the nature of employment of the wife / respondent. He has merely stated that she is better financially placed than him. He has relied upon her income tax returns and bank statements to show that she has adequate funds and assets. All these pleas were duly taken by the appellant before the ld. JMFC. The Ld. JMFC in para 13 of the impugned order has discussed about the source of income as reflected from the bank statements of the wife / respondent. Admittedly, the appellant has degree in B.A.(Hons) Pol. Science. He in his income affidavit has shown his monthly expenses of Rs. 25,000/- to Rs. 30,000/-. He has stated his income as NIL. The Ld. JMFC while considering the bank statement of the appellant has observed that it shows credits and multiple transactions with companies namely ONE97 COMMUNICATIONS & GRIP INVESTMENT MITCOIN. Further as per the ITRs his gross total income is Rs. 9,12,586/- for the assessment year 2019-20.
>
> 11. It is argued by the counsel for respondent that the appellant has not disclosed his true and correct income. He has shown various photographs of the appellant where he can be seen enjoying luxurious life. Even when he was called in the court and enquired about his income, he gave evasive replies about his source of income. The question for consideration is when he is unemployed, how is he able to spend so much upon himself and lead a luxurious life. Admittedly, immediately after marriage the parties were residing in a lavish farmhouse.

> As per the submissions made by the counsel for respondent, the monthly rent of the said farmhouse was Rs. 1,25,000/-. Thereafter, both the parties were living in a rented accommodation at Shanti Kunj. Undoubtedly, both the parties belong to rich families. The assets of the wife which she had inherited from her family cannot be termed as her income. The appellant has failed to show any recurring regular income by way of employment of the wife/ respondent.
>
> 12. The Ld. JMFC after considering the entire facts of the case has rightly held that the appellant has concealed his income from the court and has presumed that he is having the similar financial status as that of the respondent and that it is his duty to provide similar status to his wife. Despite considering the luxurious living standard of the parties, after considering the financial status and qualification of the wife /respondent, the ld. JMFC has rightly awarded interim maintenance @ Rs. 50,000/- p.m. in favor of the respondent from the date of filing of the petition till she is entitled. There is no infirmity in the order dated 20.07.2024. As regards the submissions of ld. Counsel for the appellant regarding findings made in the order dated 21.09.2022, it is clarified that the said order is with respect to the right of residence and not interim maintenance. The order dated 20.07.2024 is upheld. **The appeal being devoid of any merits is dismissed**."

6. The learned counsel for the petitioner argues that the learned Trial Court has committed an error by passing an order dated 21.09.2022, relying on assumptions and presumptions without appreciating the material documents and pleadings on record. Further contended that the respondent has deliberately suppressed her true financial capacity before this Hon'ble Court. Despite owning multiple properties, substantial investments, and maintaining several active bank accounts, she has intentionally withheld these details in her income affidavit. Her Income Tax Returns clearly reflect significant interest income from FDRs and large-scale financial

transactions across undisclosed accounts in Punjab National Bank, Vijaya Bank, Indian Overseas Bank, and Allahabad Bank. Her declared income for the financial year 2019–2020 is Rs. 32,36,920/-, which far exceeds the appellant's income of Rs. 9,02,590/-. Such concealment amounts to a false declaration and completely undermines her claim of financial dependency. It is also argued that the petitioner was unemployed at the time of marriage and his financial status is nowhere comparable to that of the respondent, who admittedly possesses substantial movable and immovable assets. During her cross-examination in HMA No. 1123/2024, the respondent admitted to having investments of approximately Rs. 2 crores; maintaining Rs. 5,00,000/- in her PNB account; selling properties in Gurugram and Patna and receiving the sale proceeds; purchasing a Range Rover worth Rs. 2,00,00,000/- which she sold on 08.02.2023; and acquiring a flat in Lajpat Nagar in joint name, from which she receives rental income in addition to her other sources of earnings.

7. On the other hand, it is argued by the learned counsel for the respondent that, despite having sufficient means, the petitioner husband is deliberately neglecting his marital obligations with the sole intention of harassing and humiliating her and lowering her status in society. It is submitted that the petitioner husband belongs to an affluent business family and that the marriage between the parties was a love marriage. After marriage, the parties resided in a farmhouse on a monthly rent of Rs. 1,25,000/-, demonstrating the

luxurious lifestyle maintained by the petitioner husband. It is further contended that the petitioner husband continues to live a life of comfort and luxury, whereas the wife who is unemployed and financially dependent—is being denied all financial support for her personal needs. The respondent/wife belongs to a political family, and any assets in her name were provided by her father. It is specifically alleged that the petitioner husband misused her funds and sold the Range Rover car, appropriating the entire sale proceeds for himself. The wife has no fixed or recurring source of income and remains dependent on the petitioner husband for her sustenance. The petitioner husband has no other liability except to maintain his wife, who is entitled to enjoy the same standard of living that she had enjoyed in her matrimonial home. It is further argued that the petitioner husband possesses far more assets than what has been disclosed in his income affidavit and Income Tax Returns. He allegedly holds shares in various companies and maintains a lavish lifestyle, as is evident from the photographs and documents placed on record.

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

9. The grievance of the petitioner is that the impugned order has been passed without proper appreciation of the respondent's independent financial capacity, assets, and income, and that the

learned Trial Court and Sessions Court have erred in treating the respondent as financially dependent despite her having substantial means and investments.

10. This Court notes that the plea of the petitioner-husband claiming that he was unemployed at the time of marriage and continues to remain without any source of income is not borne out from the material available on record. Upon perusal of the bank statements placed before the Trial Court, it is evident that there are recurring financial transactions in the petitioner's bank account, including through entities such as *ONE97 Communications* and *Grip Investment Mitcoin*. His own ITR for the AY 2019–2020 reflects a gross income of ₹9,12,586/–, thereby contradicting his assertion of having "nil" income. Furthermore, the photographs placed on record depict the petitioner leading a lifestyle wholly inconsistent with the financial hardship claimed by him, which clearly contradicts his plea of unemployment.

11. This Court further observes that the petitioner has sought to rely upon the wife's inherited, family-gifted assets, and the background of her parents, to contend that she possesses sufficient independent means and, therefore, is disentitled to maintenance. Such contention, however, is legally untenable. After perusal of the record and settled law, this Court is of the view that the *stridhan*, inherited property, or gifts received by a woman from her parents or relatives cannot be construed as a source of income so as to defeat her claim

for maintenance. The claim for maintenance must be assessed with reference to her present earning capacity and ability to sustain herself in the standard of living she was accustomed to during her marriage, and not on the financial status of her natal family. The Hon'ble Supreme Court in ***Manish Jain v. Akanksha Jain****: (2017) 15 SCC 801*, has categorically held that the financial position of the parents of the applicant-wife is immaterial in determining the quantum of maintenance. It has been observed that interim maintenance is conditional upon the spouse having no sufficient independent income for his or her support and that it is no answer to a claim of maintenance that the wife is educated or could potentially earn. The Court is required to consider the social status of the parties, the standard of living enjoyed during the subsistence of marriage, and the paying capacity of the other spouse.

12. Further, one of the principal contentions raised by the petitioner-husband is that the respondent-wife is highly educated, holding B.A., M.A., and B.Ed. degrees, and is earning more than ₹13,00,000/- per annum, and therefore, is not entitled to interim maintenance. However, such contention, when examined in light of the settled legal position, cannot be accepted at this stage. As held by the Hon'ble Supreme Court in ***Rajnesh v. Neha****: (2021) 2 SCC 324*, it is well-settled that the mere fact that the wife is educated or has some source of income does not, by itself, disentitle her from seeking maintenance. The Hon'ble Supreme Court has clarified that even where the wife is earning some income, the Court must determine

whether her income is sufficient to enable her to maintain herself in a manner commensurate with the standard of living she enjoyed in her matrimonial home. It is equally material that a wife must be actually employed and earning a stable income for such an argument to hold weight; a mere potential or theoretical capacity to earn cannot substitute for real financial independence. The law places a higher moral and legal obligation on an able-bodied husband to provide for the maintenance of his wife and children. An able-bodied husband is presumed capable of earning sufficiently to maintain his dependents, and it is for him to place credible material before the Court to show genuine inability to discharge this obligation. This Court notes that the respondent-wife's educational qualifications or notional earning potential cannot, by itself, constitute a valid ground to deny her interim maintenance. What is relevant for consideration is whether her actual income, if any, is sufficient to sustain herself in a manner befitting the status and lifestyle she was accustomed to during the marriage. On the material presently available, no such conclusion can be drawn in favour of the petitioner-husband.

13. This Court observes that reliance placed by the petitioner-husband on the earlier order dated 21.09.2022 is misplaced, as perusal of the said order shows that it pertained exclusively to the issue of residence rights under Section 19 of the PWDV Act, and did not adjudicate upon or determine the question of maintenance. Consequently, the said order offers no assistance to the petitioner's present challenge.

14. It stands admitted that immediately after marriage, the parties resided in a high-end farmhouse with a monthly rent of ₹1,25,000/-, and subsequently in premium residential accommodations at Vasant Kunj. The material on record also reveals that the petitioner-husband belongs to a financially affluent business family and has continued to receive substantial financial assistance and support from his parents. It is also to be considered that while adjudicating the issue of maintenance to be granted to a wife, the Court takes into consideration not only the income and assets of the husband from regular sources but also the earnings and profits derived from any family business in which he has a share or interest. This includes profits, dividends, or any other financial benefits accruing from the family enterprise. The rationale is that maintenance is intended to ensure the wife's reasonable living standards, and the husband's capacity to pay encompasses all legitimate sources of income, including those from business ventures, whether owned individually or as part of a family enterprise. Observations to this effect were also made by the Coordinate Bench of this Court in ***Smt. Sumedha Bhardwaj v. Shri Jagdeep Bhardwaj: (2007) 09 del ck 0217***

> "25. Therefore, reasonable inference can be drawn that such a businessman who is owning Immovable residential property in South Delhi, as well as several business premises in posh South Delhi Market, would certainly be earning more than only Rs. 20,000/- per month. In this background, while making a declaration on any form which could possibly be used against him or by which statements he would be bound, a businessman understate his income or even not state the full amount. It has repeatedly been held that declarations of income as contained on Income Tax records etc. may not always be a fair index of

> what is being earned by a businessman. The court would be required to take a comprehensive view in the matter."

15. Further, the plea of the petitioner-husband that the respondent-wife is financially superior or self-sufficient finds no support from credible material. The documents produced by the petitioner in this regard pertain largely to the sale of inherited assets, maturity of fixed deposits, or isolated transactions, none of which establish a regular or recurring source of income on the part of the respondent.

16. The learned Trial Court, therefore, rightly recorded that the respondent-wife is presently unemployed and financially dependent. Her standard of living during the marriage was evidently high, and she cannot be expected to compromise her standard of living merely because the petitioner seeks to downplay or obscure his own financial capacity. Maintenance is not to be determined by arithmetic precision but by ensuring that the dependent spouse can live with reasonable comfort, consistent with the status enjoyed during matrimony.

17. Having regard to the totality of circumstances, the income and social status of the parties, this Court finds no infirmity or illegality in the order passed by the learned Trial Court, as affirmed by the learned Sessions Court. The quantum of ₹50,000/- per month awarded as interim maintenance is reasonable, just, and commensurate with the needs of the respondent-wife and the financial capacity of the petitioner. However, it is clarified that the said amount shall include any expenses towards the residence of

respondent-wife also.

18. Accordingly, the present petition is dismissed.

19. It is, however, clarified that the observations made herein are confined to the determination of interim maintenance and shall not prejudice the merits of the proceedings pending before the learned Trial Court, which shall be decided independently on the basis of evidence led by the parties.

20. In view of the above, the present petition stands disposed of.

21. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 10, 2025/vc
TD