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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Judgment reserved on: 05.12.2025**Judgment pronounced on: 23.12.2025**Judgment uploaded on: 23.12.2025*

+ MAT.APP.(F.C.) 370/2023, CM APPL. 5211/2022, CM APPL. 23129/2023, CM APPL. 40614/2023, CM APPL. 40616/2023, CM APPL. 56548/2025, CM APPL. 56549/2025 & CM APPL. 72766/2025

.....Appellant

Through: Dr. Monika Singhal and Mr. Abhishek Gautam, Advs.

versus

.....Respondent

Through: Ms. Garima Bharadwaj (DHCLSC) along with the Respondent in-person through VC.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR****J U D G M E N T****ANIL KSHETARPAL, J.**

1. This Appeal under Section 19 of the Family Courts Act, 1984 [hereinafter referred to as 'FCA'] assails the order dated 22.03.2021 [hereinafter referred to as 'Impugned Order'] passed by the Family Court, Dwarka, Delhi, in I.A. 1/2021 in HMA No. 354/2020 captioned [REDACTED] whereby the application filed by the Respondent for *maintenance pendente lite* in the Appellant's divorce petition was allowed, and the interim maintenance @ ₹25,000/- per



month each to be paid to the Respondent-Wife and their daughter was ordered after noting that the Appellant is earning net monthly income @ ₹1,44,932/-, while working as Senior Advisor in M/s Dell International Services India Pvt. Ltd.

2. This Appeal was initially filed as a Petition under Article 227 of the Constitution of India [CM(M) 96/2022]. However, pursuant to the judgment by a Coordinate Bench of this Court in **Manish Aggarwal v. Seema Aggarwal & Ors.**¹, wherein it was observed that the said Impugned Order is appealable under Section 19 of the FCA, the same was re-numbered as an Appeal by this Court *vide* order dated 30.11.2023 with the approval of Hon'ble the Acting Chief Justice, thereby converting it to MAT.APP. (F.C.) 370/2023.

3. Brief facts leading to the present Appeal are that, the marriage between the Appellant and the Respondent was solemnised on 19.01.2001 at Jabalpur, Madhya Pradesh, in accordance with Hindu rites and ceremonies. A daughter was born out of the said wedlock on 23.04.2004, who has been in the care and custody of the Respondent-Wife. Due to differences and acrimony between the parties, they have been living separately since 2015.

4. On 04.02.2020, the Appellant-Husband herein approached the Family Court and filed for divorce under Sections 13(1)(ia) and (ib) of the HMA. Pending the adjudication of the divorce petition, the Respondent-Wife filed the aforesaid interlocutory application (I.A. 1/2021) on 18.09.2020, praying for directions to the Appellant to pay *maintenance pendente lite* @ ₹35,000/- per month, in addition to the

¹ 2012 SCC OnLine Del 4816



sum of ₹12,000/- per month and ₹3,000/- (towards school fees) already being paid by him. Effectively, the Respondent sought a total sum of Rs. 50,000/- per month for the sustenance of herself and their daughter.

5. The Family Court, *vide* the Impugned Order dated 22.03.2021, allowed the application of the Respondent and directed the Appellant-Husband to pay ₹25,000/- per month each to the Respondent-Wife and their daughter in their bank accounts separately, as *maintenance pendent lite*, payable from the date of filing of the application till the disposal of the divorce petition and further held that any amount paid by the Appellant herein to the Respondent for her maintenance or for the educational expenses of their daughter from the date of filing of the application, till date, shall be adjusted against the arrears. Aggrieved thereby, the Appellant has preferred the present Appeal.

6. The learned counsel for the Appellant assails the Impugned Order primarily on the ground that the Family Court erred in not following the guidelines laid down by the Hon'ble Supreme Court in **Rajnish v. Neha & Anr.**², and by this Court in **Kusum Sharma v. Mahinder Kumar Sharma**³, **Puneet Kaur v. Inderjit Singh Sawhney**⁴. It is contended by the Appellant that the Family Court erred in treating the income affidavit of the Respondent-Wife as the gospel truth, even though it was devoid of mandatory supporting documents, such as Income Tax Returns (ITRs) and bills of expenses, which are essential for a fair assessment of her financial status.

² 2020 SCC OnLine SC 903

³ 2020 SCC OnLine Del 93

⁴ 183 (2011) DLT 403



7. It is further submitted by the Appellant that the Respondent-Wife failed to place on record any documents to substantiate her maintenance claim of ₹50,000/- per month. The learned counsel for the Appellant has argued that a scrutiny of the Respondent's bank statements reveals that she is a person of means. Specifically, it is pointed out that on 25.04.2018, the Respondent transferred a sum of ₹82,000/- to her brother, and she also has investments in mutual funds. It is argued that the Respondent failed to offer any logical explanation for these surplus funds, thereby indicating that her independent income over the last three years was, in fact, higher than the maintenance of ₹15,000/- per month previously being paid by the Appellant to her.

8. The learned counsel for the Appellant further argues that the Impugned Order totally disregards a written Settlement Agreement [hereinafter referred to as 'MoU'] entered into between the parties in the year 2015. It is submitted that the said MoU, which settled the issues of custody of the child and maintenance between the Appellant and the Respondent based on the reasonable cost of living in Jabalpur, Madhya Pradesh, has been frustrated without any reasoning being accorded by the Family Court.

9. As regards the maintenance awarded to the daughter, the Appellant contends that directing him to pay a sum of ₹25,000/- per month without granting him any supervision or visitation rights is inequitable. It is submitted that the Appellant is duty-bound to maintain his daughter, but has no oversight on whether the funds are being utilised for her welfare. The learned counsel for the Appellant points out that a specific request was made for opening



a joint bank account in the name of the Appellant and his daughter to ensure proper utilisation of the amount, but the said request was neither considered nor reflected in the Impugned Order.

10. In view of the foregoing, the Appellant submits for setting aside or modification of the Impugned Order. Alternatively, he prays for remanding the issue back to the Family Court, to adjudicate upon the application for *maintenance pendente lite* afresh, submitting that the quantum of maintenance awarded is excessive, arbitrary, and without any reliance on the income and asset affidavit of the Respondent, being devoid of the mandatory supporting documents.

11. Before advertng to the merits of the challenge to the Order granting *maintenance pendent lite*, it is pertinent to note the peculiar developments that occurred during the pendency of this Appeal.

12. The Coordinate Bench of this Court, *vide* Interim Order dated 31.01.2022, noted the Appellant's contention that the Respondent-wife allegedly held deposits to the tune of ₹12,80,504/-. Consequently, the operation of the Impugned Order was stayed to the extent of reducing the Respondent's interim maintenance amount from ₹25,000/- to ₹10,000/- per month. The interim maintenance of ₹25,000/- for his daughter remained undisturbed.

13. Subsequently, on 09.05.2024, as the Respondent-wife failed to appear in this Appeal either in-person or through video conferencing, this Court stayed the payment of the reduced maintenance of ₹10,000/- to her, and the Registry was directed to register contempt proceedings against her, separately. The direction of the Coordinate



Bench, requiring the Appellant to pay ₹25,000/- per month for his daughter's maintenance, was maintained and continued to operate.

14. Thereafter, *vide* Order dated 12.09.2024, this Court noted the Appellant's submission that his daughter, being approximately 20 years of age, was not interacting with him, and he had no oversight on the utilisation of funds remitted towards her maintenance. The Respondent refused to appear in this Appeal on 09.05.2024, as well as on 12.09.2024. Consequently, the direction concerning the payment of the interim maintenance amount to her daughter was also stayed. Liberty was granted to the Respondent to seek vacation of these Orders concerning the stoppage of maintenance to her and their daughter. But vacation of these Orders was never sought by the Respondent, and the stay remained in force till the date of the final hearing.

15. This Court has carefully considered the aforementioned developments in this Appeal and the contentions of the Appellant and shall deal with them *seriatim*.

16. With regard to the first contention of the Appellant that the Family Court failed to follow the mandate of ***Rajnish v. Neha***⁵, this Court finds that the Appellant's reliance on this precedent is technically misplaced. This Court is unable to agree with this submission for the following reasons:

i. The guidelines laid down in ***Rajnish*** (*supra*) are designed to ensure transparency and to prevent parties from hiding their actual

⁵ (2021) 2 SCC 324



financial status. However, the requirement to file Income Tax Returns is predicated on the existence of taxable income. In the present case, the categorical stand of the Respondent-wife is that she has no independent source of income and is a homemaker. A person having 'Nil' income or income below the taxable limit is not statutorily required to file Income Tax Returns. To insist that a non-earning spouse must produce ITRs to prove their unemployment is to demand the impossible. The absence of ITRs, in this context, corroborates her claim of having no sufficient income rather than disproving it.

ii. It must be borne in mind that proceedings under Section 24 of the HMA are summary in nature, intended to provide immediate financial relief to the spouse during the pendency of litigation. The Court is required to take a prima facie view of the matter. While the guidelines in **Rajnesh** (*supra*) mandate detailed disclosure, they do not fetter the discretion of the Court to award maintenance based on a reasonable assessment of the material on record.

17. Therefore, the contention of the Appellant that the Family Court blindly accepted the Respondent's affidavit as gospel truth is misplaced. The rigid insistence on expense bills (grocery receipts, etc.) in a proceeding under Section 24 of the HMA cannot be allowed to defeat the substantive right of maintenance, especially when the Appellant's income is admitted and substantial to maintain his dependents.

18. This Court now turns to the specific contentions raised by the Appellant regarding the Respondent's alleged income. The Appellant has relied on a bank entry dated 25.04.2018, reflecting a transfer of



₹82,000/- to the Respondent's brother, and some investments in mutual funds, to argue that she is a person of means. We are not persuaded by this argument. Upon a careful perusal of the record, we find that it is an admitted position that the Respondent-wife, along with their daughter, has been residing at her parental home in Jabalpur, Madhya Pradesh, since their separation and her father is stated to be a retired government pensioner.

19. In the ordinary course of human conduct, when a spouse seeks refuge at her parental home following matrimonial discord, their financial interdependencies with parents and siblings are natural. In the absence of any proof of income, salary or business, such entries are more logically attributable to domestic family arrangements or the utilization of past savings rather than undisclosed professional income.

20. A solitary transaction from the year 2018 cannot be the basis for proving sufficient income or denying maintenance. The mere existence of some savings or a one-time financial transaction to her brother does not imply that the Respondent-wife has a steady, independent source of income sufficient to maintain herself and the child in the same status as that of the husband. The Appellant has failed to place on record any evidence showing the respondent is gainfully employed and earning an income sufficient to sustain herself and their daughter.

21. Similarly, the reliance placed by the Appellant on an MoU entered into in 2015 is also misplaced. *Maintenance pendente lite*, as provided under Section 24 of the HMA, is a statutory right intended to



provide immediate financial support during the pendency of litigation between the parties. A purported agreement entered into, six years prior to the filing of this Appeal, which the Respondent-wife herself claims was signed under duress and coercion, cannot override the statutory rights provided by law or preclude the Court from assessing the current needs of the Respondent and the child based on the Appellant's ability to provide the same standard of living as they were accustomed to and would have enjoyed with him.

22. Lastly, regarding the Appellant's request for a joint bank account to supervise the expenses of the daughter and the submission of the Appellant regarding the same request, finding no mention in the Impugned Order. This Court finds no merit in the same. The present Appeal arises from the Order granting *maintenance pendente lite* and concerns the quantum of maintenance awarded and not the dynamics of guardianship or custody. Seeking what is effectively a measure of custodial oversight within this Appeal is a procedural incongruity and falls outside the scope of the current limited inquiry; as such, it cannot be entertained.

23. In the present Appeal, the Appellant has failed to demonstrate any illegality or perversity in the Impugned Order warranting interference by this Court. The findings of the Family Court are based on a realistic assessment of the material on record. The absence of ITRs or bills of expenses from the Respondent-wife, who is a non-earning spouse, residing in her parental home, does not constitute a violation of the guidelines in **Rajnesh** (*supra*). Rather, it is clearly reflective of her lack of independent income.



24. Therefore, this Court finds no merit in the contention that the maintenance awarded is excessive or unwarranted, especially considering the needs of two individuals and the Appellant's actual disposable income. Such a determination squarely aligns with the scheme of Section 24 of the HMA, which seeks to provide the dependent spouse with maintenance during litigation with a standard of living reasonably consistent with the status of the other spouse.

25. Consequently, the Appeal is devoid of merit and is accordingly dismissed. All interim orders stand vacated. The Appellant is directed to clear all outstanding arrears within a period of one month.

26. All the pending applications shall stand closed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

DECEMBER 23, 2025

sp/ad