



2026:DHC:5965



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

Reserved on: 17.07.2026

Pronounced on: 27.07. 2026

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+ **CRL.REV.P. 16/2021**

RAHUL GAURAV NAGAR

.....Petitioner

Through: Mr. K.P. Mavi, Adv. with Ms.Kavita
Kumari, Advs.

versus

NEETA @ SAVITA & ANR.

.....Respondents

Through: Mr. Arjun Singh Bhati, Adv. (through
VC)

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This hearing has been done through hybrid mode.
2. The present Revision Petition arises out of the impugned Order dated 13.02.2020 passed by the Learned Principal Judge (East), Family Courts, Karkardooma Courts, Delhi in **MT No. 158/18 (2015)**, whereby the petitioner was directed to pay a sum of ₹15,000/- per month to Respondent No. 1 and ₹10,000/- per month to Respondent No. 2 towards maintenance, to be remitted through bank draft or by direct credit into their bank accounts between the 1st and 10th day of each calendar month. The Learned Family Court further directed that the respondents would be entitled to an annual enhancement of 5% in the maintenance amount payable in future.

FACTUAL MATRIX

3. The marriage between the petitioner and respondent No. 1 was solemnized on 05.12.2012, and a child, respondent No. 2, was born out of the



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wedlock on 19.09.2013. Matrimonial disputes subsequently arose between the parties.

4. Respondent No. 1 alleges that she was subjected to cruelty and dowry demands by the petitioner and his family members and was ultimately forced to leave the matrimonial home. She lodged a complaint before the CAW Cell on 17.11.2014 and has been residing at her parental home since then. The petitioner denies the allegations and contends that the parties have been living separately since November, 2013. He further disputes the allegations regarding his income and assets and asserts that respondent No. 1 has suppressed material facts regarding the maintenance awarded to her and her independent source of income.

5. During the pendency of the proceedings, the matter was referred to mediation vide order dated 20.08.2025; however, no settlement could be arrived at.

6. Upon appreciation of the pleadings, the affidavits of income, the oral and documentary evidence adduced by the parties, and the material available on record, the learned Principal Judge (East), Family Courts, Karkardooma Courts, Delhi, vide the impugned judgment dated 13.02.2020, held that the petitioner had sufficient earning capacity to maintain respondent Nos. 1 and 2. Accordingly, the learned Family Court directed the petitioner to pay maintenance of ₹15,000/- per month to respondent No. 1 and ₹10,000/- per month to respondent No. 2, together with an annual enhancement of 5%. The relevant extracts of the impugned judgment are reproduced hereinbelow:

“In Jasbir Kaur Sehgal vs. District Judge Dehradun and others, AIR 1997 SC 3397, Hon'ble Apex Court observed as follows:



"Court has to consider the status of the parties, their respective needs, capacity of the husband to pay having regard to his reasonable expenses for his own maintenance and those he is obliged under the law and statutory but involuntary payments or deductions. Amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and the mode of life she was used to when she lived with her husband and also that she does not feel handicapped in the prosecution of her case. At the same time, the amount so fixed cannot be excessive or extortionate."

*39. The marriage of petitioner and respondent was solemnized on **05.12.2012** and minor child **Daksh** was born on **09.09.2013**. The respondent husband was granted Student Visa from **22.01.2013** to **21.02.2014** for BA Hospitality Management which started from **14.01.2013** to **21.12.2013**. According to respondent, his father had taken an educational loan for this course at **Edinburgh, Scotland**. However, no document has been proved on record. Further, no document has been filed on record to establish that his father has been paying the educational loan. It is pertinent to mention here that the respondent admits that at the time of marriage the petitioner's family gifted a **Mahindra SUV bearing No. UP16-AM-0638**. The respondent used the said car till it was returned to the petitioner. The respondent very conveniently denied about two houses bearing Nos. **E-228 & E-229, Sector-15, Noida**. However, he admitted that his father is the owner of these two houses. Although the respondent denied that his family derives any rental income from these houses, as well as from the property situated at village **Mamura, Noida**, commercial plot at Noida and income from truck, it is established that the respondent and his family have a very sound financial status. His father possesses*



*several immovable properties and the respondent also studied in Scotland after marriage. It is pertinent to mention that the petitioner is spending **Rs.12,000/- per month** on the education of the child.*

*40. The respondent has now taken the plea that he is earning **Rs.11,000/- per month** even after completing the course of Hospitality Management from **Edinburgh, Scotland**, and that he is merely an average employee whose salary has not increased since employment. The said plea is unbelievable and without any basis. It appears that, in order to escape the liability of maintenance, the respondent has projected his income as **Rs.11,000/- per month**. In my considered opinion, the respondent has a moral and legal duty to maintain his wife and minor child in accordance with the family's financial status as perceived at the time of marriage. It cannot be ruled out that when the respondent was gifted a Mahindra SUV at the time of marriage keeping in view his financial status, the petitioner is equally entitled to be maintained according to the same financial status. Accordingly, both the issues are decided in favour of the petitioners and against the respondent.*

Relief

*41. On the basis of the above observations and discussion, I direct that the respondent shall pay **Rs.15,000/- per month** to petitioner No.1 and **Rs.10,000/- per month** to petitioner No.2 as monthly maintenance. The respondent shall start paying the maintenance from **January 2020**. The monthly maintenance and arrears of maintenance shall be paid through bank draft/directly into the account of the petitioner. The monthly maintenance shall be transferred directly into the petitioner's account between the **1st and 10th day of every month**. The petitioner shall further be entitled to an **annual***



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increase of 5% in the maintenance amount in future.”

7. Aggrieved by the aforesaid judgment dated 13.02.2020, the petitioner has preferred the present Criminal Revision under Sections 397 and 401 of the Code of Criminal Procedure, 1973, (hereinafter referred as ‘Cr.PC’) primarily contending that the learned Family Court erred in assessing his income and earning capacity, wrongly awarded excessive maintenance, and further acted beyond its jurisdiction in directing an automatic annual enhancement of 5% in the maintenance amount.

SUBMISSIONS ON BEHALF OF THE PETITIONER

8. Learned counsel for the petitioner submitted that the petitioner is a graduate in Hospitality Management and is presently working as a cook in India. He contended that respondent No. 1 has taken contradictory stands regarding the petitioner's alleged ownership of various properties. It was submitted that while, in her affidavit before the learned Trial Court, respondent No. 1 initially stated that she had no knowledge of the petitioner's properties, she subsequently claimed ignorance thereof and, thereafter, filed a detailed list alleging that the petitioner owned several immovable properties.

9. Learned counsel further contended that the evidence adduced before the learned Trial Court, particularly the petitioner's cross-examination, clearly establishes that the properties relied upon by respondent No. 1 belong to the petitioner's father and not to the petitioner. It was submitted that the said properties are small residential units accommodating the entire family and do not generate any rental income for the petitioner. The petitioner, it was urged, does not own any immovable property and is himself residing in a rented accommodation.



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10. It was further submitted that the minor child was admitted to school under the Economically Weaker Section (EWS) category, which itself demonstrates the petitioner's limited financial means. Counsel argued that the petitioner's father has five children and that there is no documentary evidence on record to establish that any of the properties alleged by respondent No. 1 are owned by the petitioner.

11. Learned counsel also assailed the impugned order on the ground that, while the learned Trial Court had awarded maintenance of ₹6,000/- per month, the learned Principal Judge, in proceedings under Section 125 Cr.P.C., not only enhanced the maintenance amount but also directed a future annual increase of 5%. It was contended that such a direction is impermissible under Section 125 Cr.P.C. and could only be passed in proceedings under Section 127 Cr.P.C. It was submitted that the grant of an automatic future enhancement, without any determination of the petitioner's future income or financial capacity, is contrary to the legislative scheme and is liable to result in a grave miscarriage of justice.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

12. *Per contra*, learned counsel for the respondents submitted that the impugned order suffers from no illegality, perversity or material irregularity warranting interference in the exercise of revisional jurisdiction. It was contended that the order is well reasoned, based on the pleadings and evidence on record, and therefore deserves to be upheld.

13. Learned counsel submitted that an execution petition for recovery of maintenance arrears amounting to approximately ₹7,00,000/- for the years 2023–24 and 2024–25 is presently pending before the learned Trial Court. It was contended that the petitioner has selectively relied upon the income affidavit while ignoring the evidence affidavit filed before the learned Trial



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Court on 16.08.2025. Reliance was placed on paragraphs 23, 33 and 39 of the impugned order to submit that the evidence led by respondent No.1 remained substantially un rebutted and that the petitioner had failed to effectively challenge the respondent's case.

14. It was further submitted that respondent No.1 had led evidence to establish the financial status of the petitioner's family, including expenditure incurred by her parents at the time of marriage, the gifts made to the petitioner, the expenses borne towards the petitioner's education abroad, medical expenses, and the educational needs of the minor child. According to the respondents, despite such evidence, the petitioner failed to rebut the same and has falsely projected his monthly income to be merely ₹11,000/-.

15. Learned counsel further argued that the petitioner cannot dispute the direction regarding periodical enhancement of maintenance. It was submitted that the petitioner, if aggrieved by the quantum of maintenance, ought to have invoked the provisions of Section 127 Cr.P.C. for modification of the maintenance order. It was contended that annual increments in income and expenditure are a matter of common experience and, therefore, the direction providing for enhancement in maintenance cannot be faulted.

16. In support of the aforesaid submissions, learned counsel placed reliance upon ***Kusum Sharma v. Mahinder Kumar Sharma, 2020 SCC OnLine Del 931, Radhika v. Vineet Rungta, 2004 SCC OnLine Del 74, Jasbir Kaur Sehgal v. Distt. Judge, Dehradun, (1997) 7 SCC 7., and Rakhi Sadhukhan v. Raja Sadhukhan, 2025 SCC OnLine SC 1259***, to contend that while determining maintenance, the Court is required to consider the status and lifestyle of the parties, and that reasonable periodic enhancement of maintenance is legally permissible.



17. Lastly, it was submitted that the petitioner has approached this Court only to delay compliance with the impugned order, particularly when execution proceedings are pending and no stay has been granted. It was further contended that the petitioner's claim of earning only ₹11,000/- per month is wholly unbelievable, especially in view of his educational qualifications and studies undertaken at Edinburgh, Scotland.

ANALYSIS AND FINDINGS

18. I have heard the learned counsel for the petitioner as well as the learned counsel for the respondents and have gone through the material on record.

19. At the outset, it may be noted that the present proceedings arise out of a revision petition, wherein the scope of interference is well settled and extremely limited. The Supreme Court, in ***Pyla Mutyalamma v. Pyla Suri Demudu*, (2011) 12 SCC 189** and ***Amit Kapoor v. Ramesh Chander*, (2012) 9 SCC 460**, has held that while exercising revisional jurisdiction, the High Court does not sit as an appellate court to re-appreciate or re-assess the evidence on record. Interference is warranted only where the impugned order suffers from patent illegality, perversity, jurisdictional error, or material irregularity resulting in a miscarriage of justice.

20. Examined in the light of the aforesaid principles, this Court finds no infirmity in the impugned judgment warranting interference. The learned Family Court has considered the pleadings, the affidavits of income and assets filed by both parties, as well as the oral and documentary evidence brought on record. Significantly, the evidence of respondent No.1/wife remained substantially un rebutted, as despite repeated opportunities, the petitioner failed to cross-examine her. Consequently, her testimony regarding her financial dependence, the educational expenses of the minor child and the financial status of the petitioner remained unchallenged. The learned Family



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Court was therefore justified in drawing appropriate inferences from the un rebutted evidence.

21. The learned Family Court has also undertaken a detailed examination of the petitioner's financial capacity. Though the petitioner claimed that he was earning only ₹11,000/- per month as a Marketing Executive, the learned Family Court found such plea to be wholly unconvincing. The petitioner admittedly possesses a degree in Hospitality Management from Edinburgh Napier University, Scotland, obtained after the marriage, and failed to produce any cogent material to establish that his earning capacity was restricted to the income claimed by him. During cross-examination, he admitted his educational qualifications and that his employment corresponded to those qualifications. The learned Family Court also noticed that the petitioner could not satisfactorily explain several aspects relating to his financial affairs and family background. These findings are based upon appreciation of the evidence on record and cannot be characterised as arbitrary or perverse.

22. The petitioner has also challenged the direction granting an annual enhancement of maintenance at the rate of 5%. This contention does not merit acceptance. Maintenance awarded under Section 125 Cr.P.C. is intended to ensure that the wife and the minor child are able to maintain themselves with dignity and in a manner broadly commensurate with the status enjoyed during the subsistence of the marriage. It is a matter of judicial notice that the cost of living and inflation increase with the passage of time, resulting in a gradual erosion of the real value of a fixed maintenance amount. A direction providing for a reasonable annual enhancement merely preserves the efficacy of the maintenance awarded and cannot, by itself, be said to be arbitrary or contrary to law. In the facts of the present case, an annual enhancement of 5% cannot



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be said to suffer from any patent illegality warranting interference in exercise of revisional jurisdiction.

CONCLUSION

23. In view of the foregoing discussion, this Court finds no illegality, perversity or material irregularity in the impugned judgment dated 13.02.2020 passed by the learned Principal Judge (East), Family Courts, Karkardooma Courts, Delhi, warranting interference in exercise of the revisional jurisdiction under Sections 397 and 401 Cr.P.C.

24. The findings recorded by the learned Family Court are based on the evidence available on record and do not call for re-appreciation in revision. Therefore, the impugned judgement dated 13.02.2020 is upheld.

25. Consequently, the present Revision Petition is dismissed. Pending applications, if any, also stand disposed of.

**MADHU JAIN
(JUDGE)**

JULY 27, 2026/ys/rm