



2025:DHC:5605



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

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Judgment delivered on: 15.07.2025+ **CRL.REV.P. 480/2024 & CRL.M.A.10893/2024**

.....Petitioner

Through: Mr. Kamal Kant Jha, Mr.
Avinash Singh, Mr. Manas
Tiwari and Ms. Juhi Mishra,
Advocates.

versus

.....Respondent

Through: Mr. Parveen Tyagi, Mr.
Shubham Bhushan, Advocates.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present revision petition, the petitioner-wife seeks setting aside of the judgment dated 15.12.2023 [hereafter '*impugned judgment*'], passed by the learned Principal Judge, Family Court, North-West District, Rohini, Delhi [hereafter '*Family Court*'] in New Mt. No. 56116/2016.

2. Briefly stated, the marriage between the petitioner and the respondent was solemnized on 02.07.2007 at Delhi. It is alleged that the petitioner was subjected to cruelty and harassment on account of



dowry demands, which ultimately compelled her to leave the matrimonial home. She claims to have no independent source of income and alleges that the respondent made no provision for her maintenance. Consequently, she was constrained to file a petition under Section 125 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'], seeking monthly maintenance of ₹25,000/-. It is her case that the respondent earns more than ₹50,000/- per month and leads a luxurious lifestyle.

3. The petitioner also filed a petition under Section 12(1)(a) of the Hindu Marriage Act, 1955 [hereafter '*HMA*'] on 08.04.2009 seeking annulment of the marriage, which was registered as HMA No. 222/2009 before the District & Sessions Court, Rohini. Alongside, she moved an application under Section 24 of HMA seeking interim maintenance of ₹50,000/- per month and ₹55,000/- towards litigation expenses. The respondent filed a preliminary objection alleging that the marriage could not be consummated due to the petitioner's conduct. The learned Family Court dismissed her application for interim maintenance on 05.10.2009. However, the petitioner challenged the said dismissal before this Court, which allowed her petition on 31.03.2011 and directed the respondent to pay interim maintenance of ₹12,500/- per month from the date of the application. In the annulment petition, the respondent failed to appear and was proceeded *ex parte* on 11.05.2011, following which the learned Family Court, *vide* judgment dated 06.01.2012, declared the marriage null and void. The said judgment has attained finality as it



was not challenged by the respondent.

4. During the pendency of the maintenance proceedings under Section 125 of Cr.P.C., the petitioner moved an application seeking amendment of her main petition. On 11.05.2011, the respondent and his counsel remained absent, and he was proceeded *ex parte*. However, the *ex parte* order was subsequently set aside on 16.08.2012. The amendment application was allowed on 11.01.2013, and the petitioner filed an amended petition claiming ₹40,000/- per month as maintenance. Ultimately, the impugned judgment dated 15.12.2023 came to be passed, whereby the learned Family Court directed the respondent to pay ₹12,500/- per month from the date of filing of the petition till 31.12.2012, and ₹24,000/- per month from 01.01.2013 till 22.02.2016 (i.e., till the date of petitioner's remarriage).

5. The learned counsel for the petitioner submits that the learned Family Court failed to appropriately consider the respondent's financial capacity while determining the quantum of maintenance. It is contended that the respondent had represented on the matrimonial website *Jeevansathi.com* that his annual income exceeded ₹10 lakhs, which ought to have been given due weightage. It is further submitted that while the respondent claimed to be earning only ₹9,500/- per month, he admitted during proceedings that he had completed his B.Tech from BITS Pilani in 1993 and had filed Income Tax Returns (ITRs) from 2005 to 2017, indicating higher income. The learned counsel contends that although the learned Family Court observed



that the respondent had concealed his actual income, it nevertheless assumed a notional income of only ₹30,000/- per month, which, according to the petitioner, is grossly understated. It is argued that if the respondent was earning ₹10 lakhs annually around 2006-07 (i.e., ₹83,333/- per month), then by 2012, his income should reasonably have increased to at least ₹1 lakh per month. It is further submitted that the learned Family Court failed to direct the parties to file their respective income affidavits, contrary to the binding directions laid down by the Supreme Court in **Rajnish v. Neha: (2021) 2 SCC 324**. The learned counsel submits that the absence of affidavits materially affected the fair assessment of parties' incomes. It is argued that the impugned judgment, to that extent, warrants modification, and the maintenance awarded to the petitioner should be enhanced to ₹40,000/- per month from 15.11.2007 to 31.12.2012, and thereafter to ₹50,000/- per month from 01.01.2013 till her remarriage on 22.02.2016.

6. *Per contra*, the learned counsel appearing for the respondent contends that the petitioner, a graduate from Delhi University, was gainfully employed for several years and is an income tax assessee. He relies on her ITR for Assessment Year 2007-08 reflecting income of ₹1,36,046/- (approx. ₹11,337/- per month), besides fixed deposits and savings amounting to ₹8,07,161/-, which generated annual interest income of around ₹32,000/-. He further submits that the petitioner deserted the respondent within 77 days of marriage, left the matrimonial home on 18.09.2007 in a pre-planned manner, and took



away all her jewellery and belongings. It is contended that she filed multiple false and malicious cases against the respondent and his family. It is also argued that the reliance on *Jeevansathi.com* to allege that the respondent earned ₹10 lakhs annually is misplaced, as no corroborative documentary proof was filed by the petitioner. It is submitted that the petitioner deliberately concealed her remarriage on 22.02.2016 during the pendency of the maintenance petition and disclosed it only during her cross-examination. It is also stated that her income tax return indicates sufficient income earned by her in this regard, he draws the attention of this Court to her cross-examination. The same reads as under:

“...I used to file income tax return since 2004. I have regularly filed my ITR till date but since the relevant period for the case is till 2016, so I have filed the same till 2016 before the court and not thereafter. There have been improvement in my income since 2012 which is reflected in the ITR submitted to the court, same is continuing till date. My income was Rs. 2.83 lacs in 2012, it was Rs. 5.95 lacs in 2016 and should be Rs. 8-9 lacs in the year 2019. I only use cab for my daily convenience. I have never owned a Car but I know driving. My monthly expenditure in 2016 was Rs. 30,000/- per month. I have never got any permanent servant as I can not afford the same. it is wrong to suggest that I have not disclosed my true income before the court and I have not filed any income tax return as per my actual income...”

7. As regards the quantum of maintenance, it is submitted that the learned Family Court correctly assessed the respondent's income at around ₹30,000/- per month during the relevant period, and that any notional adjustment of his income to ₹60,000/- or more was unnecessary or speculative. It is contended that both parties did not



file income affidavits during trial, but that by itself does not justify interference with a reasoned order, since all other documents including the ITRs etc. had been placed on record and he was also cross-examined at length. It is thus contended that the impugned judgment is based on the material available on record and does not call for interference.

8. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

9. After hearing arguments advanced on behalf of both the parties and upon a perusal of the record, this Court is of the view that the learned Family Court, while assessing the income of the petitioner-husband, did not rely upon the income and expenditure affidavits of either party. It is pertinent to note that the income assessment in the present case pertains to the period between 2007 and 2016. However, the evidence of the parties came to be recorded much later, in the year 2023. By that time, the petitioner-wife had remarried (in 2016), and both parties had filed their respective Income Tax Returns (ITRs) in 2023. In these circumstances, the learned Family Court did not deem it necessary to call for income and expenditure affidavits of the parties. In the opinion of this Court, considering that the maintenance claim pertained to a much earlier period, i.e., 2007–2016, the learned Family Court did not commit any illegality in refraining from insisting on updated affidavits for a period that was nearly a decade after the relevant timeline under consideration.



10. It is also relevant to note that the petitioner-wife, during the pendency of the present petition, had remarried. However, this material fact was not disclosed by her during her cross-examination before the learned Trial Court in the year 2023. Despite this suppression, the petitioner is seeking enhancement of maintenance on speculative grounds – one such ground being the husband’s alleged declaration of income on a matrimonial website “*jeevansathi.com*.” This Court is of the considered opinion that any self-declared information made on a matrimonial portal, without verification or corroborative evidence, cannot be treated as reliable or admissible proof of income. A court of law cannot rely upon a declaration made by a person on a matrimonial website. The learned Family Court, therefore, rightly chose not to rely on such material.

11. The petitioner further contended that since the respondent-husband had once declared his income as ₹10 lakhs per annum, it is implausible that he was earning only ₹88,000 in a subsequent year. She sought to draw a presumption that his income must have increased significantly over the years. However, such assumptions are purely speculative. This Court is of the view that income trends can vary depending on various personal and professional circumstances, and cannot be presumed to have followed a linear upward trajectory without any documentary proof.

12. This Court also finds no infirmity in the learned Family Court’s assessment of the respondent-husband’s income. The Family Court has rightly rejected the respondent’s claim of earning a meagre sum



of ₹9,500/- per month, noting that he is a B.Tech graduate from BITS Pilani and belongs to a well-established business family. In such circumstances, the learned Family Court was justified in drawing a presumption regarding the respondent's probable income and in concluding that his monthly income would have been about ₹30,000/- at the time of filing of petition and at least ₹60,000/- from 01.01.2013 onwards. This estimation, based on reasonable assumptions and inflationary adjustments, appears to be fair, logical, and sustainable.

13. The ITRs of the petitioner-wife, as admitted by her during cross-examination, reveal that she was earning ₹2.83 lakhs in the year 2012, which rose to ₹5.95 lakhs in 2016. She further deposed that by the year 2019, her income had increased to about ₹8–9 lakhs per annum. It is also her own admission that there has been a steady improvement in her income since 2012 and that the same trend continued beyond 2016, although she did not file ITRs for the subsequent years before the Court, citing the limited relevance of the time period. These statements indicate that the petitioner has a stable and progressively increasing income and is capable of supporting herself to a considerable extent.

14. Therefore, this Court finds no error in the impugned judgment passed by the learned Family Court. The same is accordingly upheld.

15. The present petition alongwith pending application is dismissed.



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16. The judgment be uploaded on the website forthwith.

JULY 15, 2025/A

DR. SWARANA KANTA SHARMA, J