



\$~

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

%

*Judgment reserved on: 19.12.2025**Judgment pronounced on: 05.01.2026**Judgment uploaded on: 06.01.2026*

+

CRL.REV.P. 763/2024

ARSHI PARVEEN

.....Petitioner

Through: Mr. Raj Kumar, Advocate

versus

MAQSOOD @ SONU

.....Respondent

Through: Mr. Lakshay Malhotra,
Advocate**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The present revision petition has been filed by the petitioner-wife seeking setting aside of the order dated 06.03.2024 [hereafter '*impugned order*'] passed by the learned Principal Judge, Family Court (Shahdara), Karkardooma Courts, Delhi [hereafter '*Family Court*'] in MT Case no. 115/2023, filed under Section 125 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'], whereby an amount of ₹2,500/- has been awarded as interim maintenance to the petitioner.

2. It is the case of the petitioner that she and the respondent were



married on 27.06.2021 as per Muslim rites and ceremonies in Uttar Pradesh. No child was born out of the said wedlock. It is stated that soon after marriage, the petitioner was subjected to cruelty by the respondent and his family members on account of insufficient dowry. It is further stated that prior to the marriage, the respondent had represented to the petitioner's family that he was working as a teacher. According to the petitioner, on 10.06.2022 at about 05:00 PM, she was forcibly turned out of her matrimonial home after being physically assaulted by the respondent and his family members. It is stated that the petitioner is a housewife, has no movable or immovable property in her name, and has no independent source of income. She has studied only up to the 11th standard and is wholly dependent upon her parental family for her sustenance. It is further the case of the petitioner that the respondent is a man of means. She claims that he is a graduate and is working as a teacher in a private school, earning approximately ₹25,000/- per month. It is further alleged that he also imparts private tuition and earns an additional ₹15,000/- per month, besides running a grocery shop and earning rental income of about ₹30,000/- per month, and is leading a comfortable and luxurious life. On these assertions, the petitioner filed a petition under Section 125 Cr.P.C. in February, 2023.

3. On 04.05.2023, the respondent appeared before the learned Family Court and submitted that he was working with an NGO and earning only ₹8,000/- per month. On the said submission, he was directed to pay ad-interim maintenance of ₹2,500/- per month to the



petitioner. Thereafter, both parties filed their respective affidavits of income, assets, and liabilities.

4. By way of the impugned order dated 06.03.2024, the learned Family Court directed as under:

“...The marriage between the parties is not in dispute and the petitioner/wife claims that she has no source of income. The rival allegations by the parties regarding the earnings of the other side and the reasons for separate living are yet to be established/decided during the course of trial, which is going to take time. The petitioner has averred in her affidavit dated 13.02.2023 that she is unemployed. On the other hand, the respondent has averred in his affidavit dated 25.10.2023 that he earns ₹10,000/- per month by working with an NGO at Sahibabad, Ghaziabad, U.P. The respondent has also claimed to be residing in a small house constructed over 20 sq. yards and that he has to support his parents, who are living below the poverty line. Considering the rival submissions and in view of the status of the parties, the respondent/husband is hereby directed to pay interim maintenance at the rate of ₹2,500/- per month to the petitioner/wife from the date of filing of the application for interim maintenance till disposal of the petition or till further orders. The respondent is further directed to clear the arrears of maintenance in four equal monthly installments...”

5. Aggrieved by the aforesaid order, the petitioner has approached this Court contending that the amount of ₹2,500/- per month awarded as interim maintenance is wholly inadequate and insufficient to meet her basic needs. It is argued on behalf of the petitioner that the learned Family Court has failed to assess the income of the respondent on the basis of his educational qualifications and minimum wages, particularly in the absence of credible documentary proof of his alleged income. It is further



contended that the learned Family Court has not adhered to the principles laid down in *Rajnesh v. Neha*. It is also urged that the respondent has placed on record only five bank account statements covering a limited period of six months (24.02.2023 to 27.08.2023), while claiming an income of ₹10,000/- per month, though there is no consistent credit entry of such amount reflected therein. It is further pointed out that a sum of ₹7,500/- was credited to the respondent's account by his employer on 22.04.2023, which belies his claim of a fixed monthly income of ₹10,000/-. It is submitted that since the respondent has suppressed his bank account statements for the preceding three years and has selectively filed statements for a short duration, an adverse inference ought to be drawn against him.

6. The learned counsel appearing for the respondent, on the other hand, submits that there was neither any demand for dowry nor any cruelty inflicted upon the petitioner. It is contended that the petitioner voluntarily left the matrimonial home as she was not inclined to live with the respondent. It is further argued that the petitioner is working as a nursery teacher and is earning ₹10,000/- per month, and is therefore capable of maintaining herself. It is also submitted that the respondent is residing in a small house measuring 20 sq. yards, accommodating about eight family members, and has no other property or source of income. According to the respondent, he is working as a Special Educator with an NGO namely The Sensorium Learning Center, Sahibabad, Uttar Pradesh, and earns only ₹10,000/- per month. On these grounds, it is argued that there is no infirmity in



the impugned order passed by the learned Family Court.

7. This Court has **heard** arguments addressed on behalf of the petitioner as well as the respondent, and has perused the material available on record.

8. At the outset, this Court notes that it is not in dispute that the petitioner-wife has studied only up to the 11th standard. The respondent-husband has alleged that the petitioner is working as a nursery teacher and is earning; however, no documentary proof whatsoever has been placed on record to substantiate this assertion. Mere bald assertion that the wife is working and earning, without any proof to even *prima facie* support this claim, cannot be of any help to the respondent-husband at this stage. Accordingly, this Court is of the view that, for the purposes of grant of interim maintenance, the petitioner-wife cannot be presumed to be earning or being capable of maintaining herself.

9. As regards the income of the respondent-husband, he claims that he is working as a teacher/special educator with an NGO and is earning ₹10,000/- per month. However, this Court is of the opinion that the said claimed income is even lower than the minimum wages payable to a skilled person, despite the respondent admittedly being a graduate. Further, the respondent has not filed his complete bank account statements and has produced statements only for a limited period. In the said bank account statements also, there is no specific transaction highlighting receipt of any salary of ₹10,000/- per month.



10. In such circumstances, this Court is of the view that the income of the respondent-husband must be assessed on the basis of minimum wages. In this regard, it would be appropriate to take note of the following observations in case of ***Tasmeer Qureshi v. Asfia Muzaffar***: 2025 SCC OnLine Del 7272:

“(iv) Caution in Applying Minimum Wages Criteria While Assessing Notional Income of the Husband

45. Another issue which is relevant to highlight is the practice in which the learned Family Courts, faced with non-disclosure or evasive disclosure of income by the husband or where a husband pleads that he earns nothing, proceed to assess earning capacity by resorting to the schedule of minimum wages. The underlying rationale is sound - an able-bodied man cannot be permitted to defeat a claim for maintenance by his wife by withholding basic financial particulars [Ref : *Shamima Farooqui v. Shahid Khan*, (2015) 5 SCC 705 : (2015) 2 SCC (Cri) 785 : (2015) 3 SCC (Civ) 274; *Rajnesh v. Neha* (supra)], and the Family Court is entitled to draw an adverse inference and impute at least a baseline earning capacity. Minimum wages provide a statutory and reasonable basis to assess a person's earning capacity when there is no direct or reliable proof of actual income available on record.

46. However, the method must be applied with accuracy and care. Minimum wages are not uniform across India; they vary by State/Union Territory, by scheduled employment, and by skill category (unskilled, semi-skilled, skilled, or highly skilled), and they are periodically revised. The learned Family Courts must therefore:

- (i) identify the correct State,
- (ii) determine the appropriate skill category on a *prima facie* view of the husband's qualifications, experience and past vocation, and
- (iii) note the effective date of the minimum wage schedule relied upon.

47. Orders that simply assume “minimum wages in Delhi” without examining whether the husband resides or is ordinarily employed in another State result in a higher or lower income



assessment. For instance, if the husband resides in the State of Haryana and there is no proof that he is employed in Delhi, the minimum wage schedule applicable in Haryana has to be applied. The inadvertent practice of applying Delhi's minimum wages merely because the proceedings are before a court in Delhi or because the wife resides in Delhi ought to be avoided.

48. However, it is also to be considered that minimum wages are a floor, not a ceiling. If the record supports a higher *prima facie* income (for instance, on the basis of prior salary slips, tax returns, bank account statements, etc.), the Family Court should assess the income accordingly rather than resorting to default minimum wages.

49. It must also be borne in mind that minimum wages notified by each State are periodically revised. Therefore, while determining the income for a past period, the Family Court must refer to the minimum wages that were in force at that time, and not to the rates prevailing on the date of the order. For instance, if the income of the husband for the year 2022 is under consideration, the Court should take into account the minimum wages applicable in 2022 for the relevant category and State, rather than the revised figures of 2025.

50. To sum up, assessing income on the basis of minimum wages is a legitimate and often necessary exercise while adjudicating maintenance petitions, particularly at the stage of interim or ad-interim maintenance. However, such assessment must be premised on the correct State schedule, the appropriate skill category, and the relevant period for which the income is being considered.”

11. It is an admitted position that the respondent is residing and working in Uttar Pradesh. At the relevant time, the minimum wages applicable to a graduate/skilled worker in Uttar Pradesh were about ₹13,200/- per month. In the facts and circumstances of the case, and keeping in view the settled principles governing grant of interim maintenance, this Court assesses the monthly income of the respondent-husband at ₹13,200/- for the purpose of determining



interim maintenance.

12. Considering the assessed income of the respondent, the status of the parties, and the fact that the petitioner-wife has no independent source of income, this Court is of the considered opinion that the interim maintenance awarded by the learned Family Court is on the lower side and requires enhancement.

13. Accordingly, to serve the interests of justice, the interim maintenance payable to the petitioner-wife is enhanced from ₹2,500/- per month to ₹3,500/- per month, payable from the date of filing of the application under Section 125 of the Cr.P.C. subject to adjustment of any amount already paid.

14. The petitioner is directed to also clear the arrears of maintenance within a period of 03 months from date.

15. It is however clarified that the observations made herein are confined to the determination of interim maintenance and shall not influence the merits of the pending trial, which shall be decided independently based on the evidence led by the parties.

16. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JANUARY 05, 2026/vc

TD