

CNR No.DLCT02-015898-2025
15 Ct. Cases / 588/2025

07.09.2026

Present: Complainant is absent.

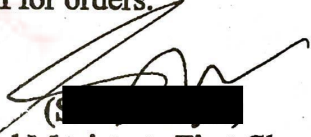
[REDACTED] Ld. Counsel for complainant through
VC.

Respondent no.1 is absent.

Ms. Vibhuti Zibbu, Ld. Counsel for respondent no.1.

Arguments on application U/s 23(2) of the D.V. Act have
already been heard.

Now, be put up at 04:00 PM for orders.


Judicial Magistrate First Class
Mahila Court-01) Central
THC/Delhi/07.09.2026

(At 04:00 PM)

Present: None.

Matter is listed for orders on interim maintenance
application.

1. Vide this order, interim application u/sec. 23 of the


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Protection of Women from Domestic Violence Act, 2005 (hereinafter "DV ACT") moved by the Complainant shall be decided. Vide present application r/w the complaint, Complainant has sought interim maintenance of Rs.60,000/- per month for herself.

2. As per the present application r/w the complaint, case of the Complainant is that she got married to respondent no.1 on 28.11.2023 as per Hindu Rites & Ceremony and out of the said wedlock, no child was born. That after the marriage, respondent no.1 subjected the Complainant to mental and physical harassment and never gave any maintenance or household expenses to the complainant. That complainant is living separately from her husband since 06.08.2024. It is accordingly prayed that interim maintenance be awarded in favour of the complainant.

3. Respondent no.1 filed written statement. Income affidavit of both the parties are on record. In the written statement, respondent no.1 admitted his marriage with the complainant. Respondent no.1 denied all allegations of cruelty and harassment raised by the complainant. It is further submitted that the complainant is herself earning. It is accordingly prayed that the present application may be dismissed.

4. In the present case, marriage between both the parties is

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admitted. Even the sharing of domestic relationship between the parties in a shared household is admitted. As regards the allegations of domestic violence, the same has been vehemently denied by respondent no.1. Considering that in the DIR filed by the Protection Officer and also in the complaint, the Complainant has alleged infliction of emotional, mental and economic abuse, *prima facie* it appears that there was infliction of domestic violence.

5. Income affidavit of both the parties is already on record. The complainant in her income affidavit has stated that she has done Graduation and that she is working as Systems Engineer [REDACTED] [REDACTED] earns Rs.63,863/- per month.

She has further stated that the respondent no.1 has done B.Com from [REDACTED] and C.A. from [REDACTED] [REDACTED] and he has been working as Chartered Accountant-Senior Auditor at [REDACTED] She has also stated that respondent no.1 is also having two residential floors, 1 basement area and 1 parking floor in a 200 Square Yard independent construction corner house in [REDACTED]. She has also stated that respondent no.1 owns a [REDACTED] Car, several stocks bought in his father's name and he is having several FDs. However, the complainant has not brought anything on record to substantiate her arguments.

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5.1 On the other hand, the respondent no.1 has mentioned in his income affidavit that he has done Graduation from [REDACTED] [REDACTED] and Chartered Accountancy. He has further stated that he works as Assistant Audit Manager in [REDACTED], Gurugram, Haryana and earns approx. Rs.1,63,000/- per month.

Respondent no.1 has further stated that complainant is not entitled to get the maintenance as she has done B.Tech (Computer Science), [REDACTED]

[REDACTED] Delhi. Respondent no.1 has further submitted that complainant is working as System Engineer at [REDACTED] earns Rs.63,863/- per month and complainant is having several Mutual Funds in her name in lakhs of rupees, PPF and FDs in lakhs of rupees. However, respondent no.1 has not brought anything on record to prove the same.

6. In the present facts, the first question for determination is whether the complainant is entitled to interim maintenance or not. In this regard, a perusal of the income affidavit of the complainant shows that she has stated, in part "A" of her income affidavit, that her general monthly expenses are around Rs.60,000/- per month. In part "F" of the same income affidavit, the complainant has stated that she is working as Systems Engineer in [REDACTED] and is

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earning Rs.63,863/- per month. The complainant has also stated that she has FD of Rs.2 lacs, has PPF Account and has investments in Mutual Funds. Therefore, upon the perusal of income affidavit of the complainant herself, it is observed that the complainant is capable of maintaining herself out of her own income and does not need any interim maintenance from respondent no.1.

6.1 Ld. Counsel for complainant, during arguments on present application, argued that even if the complainant is earning, she is entitled to interim maintenance as she lived a good lifestyle with respondent no.1.

In this regard, it is observed that, firstly, the complainant has not made any pleadings as regards the good / luxurious lifestyle that she allegedly lived with respondent no.1. Rather a perusal of the petition filed by the complainant shows that the complainant has herself stated, in para 4(ii) of the petition, that respondent no.1 was unemployed. She has further stated, in para 4(xii), that she was treated like a maid in the matrimonial household. She has further stated, in para 4(xiii) that she suffered financial manipulation at the hands of respondent no.1 and that respondent no.1 used to ask the complainant to withdraw her savings and used to invest the same in stock market despite the objection of the complainant and lose money. She has also stated that she was even denied access to the family car. She has

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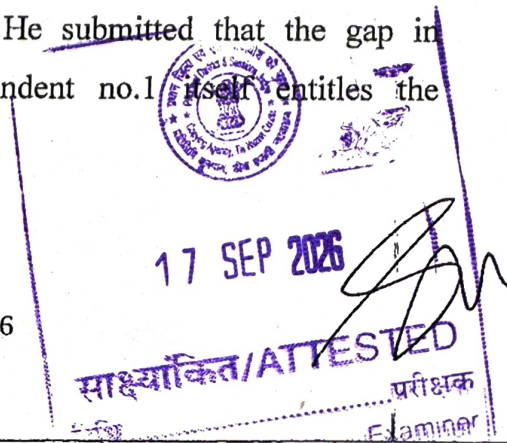
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stated, in para 4(xiv), that respondent no.1 asked the complainant to move to Bangalore without him to earn a better salary. She has further stated, in para 4 (xviii), that respondent no.1 used to demand large sums of money from her without any explanation. She has further stated, in para 4 (xxi), that the respondents had limited the complainant's use of the bathroom and they used to control her food and beverage usage and her daily routine. She has further stated, in para 4 (xxxv), that she was served rotten food and never allowed to enjoy family meals.

A perusal of the abovesaid pleadings clearly shows that it is not the case of the complainant that she lived a luxurious or at the very least a good lifestyle with respondent no.1. The pleadings of the complainant are contrary to the argument of "good lifestyle", as stated in the present application and its arguments. Thus, the first contention of the Ld. Counsel for complainant that, the complainant is entitled to interim maintenance as she lived a good lifestyle with respondent no.1, does not find merit.

6.2 The next argument of Ld. Counsel for complainant was that the complainant earns only Rs.63,863/- per month, but the respondent no.1 earns around Rs.2 lacs per month and has various movable & immovable properties. He submitted that the gap in income of complainant and respondent no.1 itself entitles the



complainant to interim maintenance from respondent no.1. However, in this regard, it is observed that merely because there is difference in the incomes of the complainant and respondent no.1, the complainant does not become entitled to interim maintenance. The purpose of law of maintenance is not to equalize the income of the wife with that of the husband but is only to see that when divorce and other matrimonial proceedings are filed, either of the party should not suffer because of paucity of source of income. In the present facts, the complainant has failed to show that she suffers from any such paucity.

7. Apropos the foregoing discussions, the application U/s. 23 of the DV Act is dismissed and disposed of accordingly.

8. Nothing contained herein above shall be considered as an expression on the merits of the case.

9. Put up for CE on 16.11.2026. Complainant is directed to lead her evidence by filing list of witnesses along with affidavit by way of evidence of the witnesses and by supplying advance copy to the opposite party.



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