$~90

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

% ***Date of Decision: 28.10.2026***

\# **CNR No.DLHC010515002026**

\+ **CRL.REV.P.(MAT.) 651/2026, Crl.M.A.33603/2026, Crl.M.A.33602/2026, Crl.M.A.33600/2026**

SATISH PAL .....Petitioner

Through: Mr. Rajbir Singh Sagar, Advocate.

versus

KUMARI DEEPAK @DAMINI PAL AND ANR .....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 28.10.2026

SACHIN DATTA, J. (*Oral*.)

CRL.REV.P.(MAT.) 651/2026 & **CRL.M.A.33601/2026** (seeking condonation of delay of 222 days in filing the revision)

1. The petitioner assails an order dated 15.11.2025 passed by the learned Family Court-1, Shahdara District, Karkardooma Courts, Delhi in MT No.356/2024. By the said order, the petitioner was directed to pay interim maintenance at the rate of Rs.20,000/- per month i.e., Rs.10,000/- each to his wife (respondent no.1) and to the minor girl (respondent no.2) from the date of filing of the application, payable by the 10th of each succeeding calendar month.

2. The revision petition is accompanied by an application seeking condonation of delay of 222 days. It is noticed that respondent no.1 filed MT No.356/2024 on 01.07.2024 under Section 125 of the Code of Criminal

Signature Not Verified
Digitally Signed
By:CHINU LUTHRA
Signing Date:29.10.2026
16:20:40

Procedure, 1973, along with an application under Section 125(3) thereof, seeking maintenance for herself and her minor daughter. She asserted that the petitioner works as a Sales Executive with Asian Paints and earns Rs.50,000/- per month.

3. On 05.09.2024, the petitioner appeared with counsel and was directed to file his affidavit of income and assets, along with supporting documents for the last three years, within four weeks. The said affidavit, however, was not filed by the petitioner.

4. On 28.10.2024, since the affidavit of income and assets had still not been filed, he was granted two weeks to file the same, failing which costs of Rs.3,000/- were to become payable to respondent no.1, and was meanwhile directed to pay ad-interim maintenance of Rs.5,000/- per month to both the respondents.

5. On 12.12.2024, he was granted a final opportunity to file the said affidavit. On 07.02.2025, his opportunity to file the affidavit was closed.

6. Further, additional opportunities to file the affidavit were also granted to the petitioner on 23.05.2025 and 30.07.2025. No affidavit was, however, filed by the petitioner on either occasion.

7. By the impugned order dated 15.11.2025, after hearing learned counsel for both the parties, the learned Family Court drew an adverse inference against the petitioner on account of his failure to file the affidavit of income and assets, and also took note of the fact that the ad-interim order dated 28.10.2024 had not been complied with at all. The learned Family Court then proceeded to record the petitioner's income at Rs. 50,000/- per month as asserted by respondent no.1, apportioned the same into five parts,

Signature Not Verified
Digitally Signed
By:CHINU LUTHRA
Signing Date:29.10.2026
16:20:40

and held that the respondents would be jointly entitled to interim maintenance of Rs. 20,000/- per month.

8. The limitation period for filing the present revision petition expired on 13.02.2026. The petition was filed on 26.09.2026. The same is accompanied by an application (i.e., CRL.M.A.33601/2026) seeking condonation of delay of 222 days.

9. The reason cited for the delay is that the previous counsel did not inform the petitioner that the impugned order had been passed on 15.11.2025. It is submitted that the petitioner had no knowledge of the impugned order during the period of limitation.

10. On merits, it is contended that the petitioner earns only about Rs.10,000/- per month and that the figure of Rs.50,000/- assumed in the impugned order has no basis.

11. As regards the condonation of delay, no doubt, in a normal situation, this Court would adopt a liberal and justice-oriented approach. However, in the present case, the explanation furnished by the petitioner is belied by the record. The impugned order records that it was passed after hearing the counsel for the petitioner.

12. The plea that the petitioner believed the case to be closed cannot be accepted. It is also noticed that no affidavit of the previous counsel has been filed and that blame has been sought to be fastened upon the previous counsel without any basis.

13. It is also noticed that the petitioner did not adhere to the order dated 28.10.2024, whereby ad-interim maintenance was directed to be paid at the rate of Rs.5,000/- per month; the said default persisted throughout the

Signature Not Verified
Digitally Signed
By:CHINU LUTHRA
Signing Date:29.10.2026
16:20:40

proceedings and was duly noted by the learned Family Court in the impugned order. No sufficient cause is therefore shown.

14. The petitioner has been negligent and has approached this Court only when execution proceedings were taken against him. As such, no merit is found in CRL.M.A.33601/2026, and the same is dismissed.

15. Even otherwise, no ground for interference is made out.

16. As noticed, despite repeated opportunities, the petitioner did not file his affidavit of income and assets before the learned Family Court. In the circumstances, the learned Family Court cannot be faulted for drawing an adverse inference and for proceeding on the assertion of respondent no1.

17. The petition is, accordingly, dismissed. All pending applications also stand disposed of.

18. It is, however, clarified that it shall be open to the petitioner to file his affidavit of income and assets, with supporting documents, before the learned Family Court and to seek modification of the interim maintenance as may be permissible in law. Any such application shall be considered on its own merits, after hearing respondent no.1.

SACHIN DATTA, J

OCTOBER 28, 2026/r,sd

Signature Not Verified
Digitally Signed
By:CHINU LUTHRA
Signing Date:29.10.2026
16:20:40