Harpreet Sawhney Vs. Puneet Sharma

Civil Appeal Nos.________ of 2026 arising out of SLP (Civil) Nos. 31815-31816 of 2025 · Supreme Court of India · 2026-08-10 · Sanjay Karol · Nongmeikapam Kotiswar Singh · F2J-C-1033

Full judgment text

Harpreet Sawhney Vs. Puneet Sharma

[Civil Appeal Nos.________ of 2026 arising out of SLP (Civil) Nos. 31815-31816 of 2025]

Nongmeikapam Kotiswar Singh, J.

1. Leave granted.

2. The present appeals filed under Article 136 of the Constitution of India arises out of the the impugned Final Judgment and Order dated 14.08.2025 and Clarification Order dated 02.09.2025, passed by the High Court of Delhi in MAT.APP.(F.C.) 299/2024 with CONT.CAS(C) 634/2025, which partly enhanced the child maintenance to Rs.1,25,000/- for both children and closed the contempt proceedings against the Respondent-husband. The Clarification Order dated 02.09.2025 in CM Appl. 55169/2025 granted the Respondent-husband six months to clear accrued arrears but did not address the other two grounds of clarification sought in the clarification application.

FACTUAL MATRIX

3. The marriage between the Appellant-wife and the Respondent-husband was solemnized on 09.12.2004 in accordance with Sikh rites in New Delhi. Out of the said wedlock of the parties, two sons were born. The first son, namely, Master Aryan Puneet Sharma was born on 29.01.2011 and the second son, namely, Master Aadi Sharma on 24.07.2014.

4. Eventually the matrimonial relationship between the parties deteriorated and on 21.06.2018, the Respondent-husband left the Appellant-wife and their two children. In these circumstances, the Appellant-wife instituted a divorce petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955, registered as HMA No. 1931/2019 (earlier HMA No. 545/2019), before the Additional Principal Judge, Family Court, West District, Tis Hazari, Delhi.

5. Along with the divorce petition, the Appellant-wife filed an application under Section 24 and Section 26 of the Hindu Marriage Act ('HMA', for short), 1955, on 17.09.2019, seeking interim maintenance pendente lite of Rs.2,00,000/- per month for herself and the two minor children, alongside litigation costs on grounds that, inter alia, she could not afford the school fees for both children alongside the EMI payment for the property purchased with the Respondent-husband on her salary.

6. By an order dated 08.01.2021, the Additional Principal Judge disposed of the application for interim maintenance, declining to grant pendente lite maintenance to the Appellant but granted the same for the minor children. Therein it was observed that the Appellant-wife's net monthly income was Rs.91,000/- compared to the Respondent-husband's net income of Rs. 2,70,000/-, and that the Appellant-wife is paying the EMIs of Rs. 48,888/- for the flat and availing the residence of said flat. The Family Court, thus, awarded Rs.37,000/- per child per month from 17.09.2019 to 31.12.2020, and enhanced it to Rs.40,000/- per child per month with effect from 01.01.2021.

7. The Respondent-husband challenged the Family Court's order dated 08.01.2021 before the Delhi High Court in MAT.APP.(F.C.) 42/2021. On 23.03.2021, the High Court dismissed the appeal and affirmed the interim maintenance quantum. The High Court observed that the maintenance estimation involves reasonable approximation rather than mathematical exactitude.

It noted the undisputed net monthly incomes of the contesting parties and highlighted that the Appellant-wife independently bore a monthly mortgage EMI of Rs.48,888/- apart from school fees of approximately Rs.23,000/- per child per month, as well as the other expenses required to be borne for the children such as private tuition, sports and other extra-curricular activities. Issues regarding visitation were left open for the Family Court to resolve, recording the Appellant-wife's willingness for bi-monthly, initially supervised visitation.

8. On 06.05.2021, the Respondent-husband filed an application under Section 151 CPC read with Section 26 HMA seeking enhanced physical and virtual visitation, a monitoring mechanism over the maintenance funds (alleging that the Appellant-wife had swindled Rs.40 lakhs and accumulated Rs. 1.5 crores in savings), reduction of maintenance to Rs. 20,000/- per child per month due to pandemic school fee discounts, and return of personal documents including the original documents of the Registration and Occupancy certificates of the house, as well as the original identity documents. The Appellant-wife filed a reply on 22.07.2022 denying all allegations, pointing out that even under the Respondent-husband's proposed formula, combined costs exceeded Rs.95,000/- per month once the actual school fees of Rs.55,690/- per month were added.

9. On 06.10.2022, the Appellant-wife filed an application seeking enhancement of child maintenance from Rs.40,000/- per child per month (total Rs.80,000/- per month) to Rs.85,000/- per child per month (total Rs.1,70,000/- per month) submitting documented monthly child expenditures of Rs.1,66,847/-, increased combined school fees of Rs.55,690/- per month at Shiv Nadar School and frequent delays in maintenance remittances by the Respondent-husband. The Respondent-husband opposed the application on 17.08.2023, claiming the claimed expenses were exorbitant, disputing the EMI calculation, alleging pandemic fee-waiver retention, and accusing the Appellant-wife of perjury.

Additionally, on 07.10.2023, the Appellant-wife filed an application seeking transfer of ownership of a Mahindra XUV500 (Reg. No. UP16BA2073), asserting she contributed Rs.10,65,000/- out of the total cost of Rs.14,99,577/- and had exclusively maintained and used the vehicle since 2017. The Respondent-husband replied on 15.05.2024, asserting registered ownership and citing a Delhi Transport Department circular dated 29.12.2021 capping diesel vehicle lifespan at 10 years in NCR to demand the vehicle's return.

10. On 12.07.2024, the Additional Principal Judge disposed of all three pending applications, finding that the husband is liable to pay the enhanced school fee of the children. With effect from April 2024 till the disposal of the divorce petition, the maintenance of the children was enhanced to Rs. 50,000/- per month per child. The court declined to adjudicate the dispute of the purchase and ownership of the car in the proceedings for maintenance.

11. The Appellant-wife challenged the Family Court's order dated 12.07.2024 before the Delhi High Court in MAT.APP.(F.C.) 299/2024 on 22.08.2024. On 09.09.2024, the High Court issued notice and summoned the Trial Court record while maintaining interim payments as decided by the order dated 12.07.2024. It is important to note that the Appellant-wife was diagnosed with aggressive breast cancer on 16th August 2024. During the pendency of the appeal, on 10.12.2024, the Delhi High Court took note of the Appellant-wife's medical diagnosis of aggressive breast cancer and directed the Respondent-husband to pay Rs. 20,000/- per month towards the Appellant-wife with effect from 01.12.2024.

12. On 27.02.2025, the High Court noted the Respondent-husband's admission of non-compliance with the interim maintenance payable to the Appellant. Rejecting the defence that the Appellant had not produced official medical verification of her carcinoma, the High Court issued a suo motu contempt notice against the Respondent-husband. The Respondent-husband challenged the interim medical direction before this Court in SLP(C) No. 8839/2025. Following an unsuccessful mediation attempt, this Court dismissed the Respondent-husband's SLP on 06.05.2025.

13. Despite the dismissal of his SLP, the Respondent-husband failed to clear the arrears, leading the Delhi High Court to observe on 16.07.2025 that his conduct amounted to aggravated contempt, directing his personal presence. On 12.08.2025, after three successive pass-overs due to the non appearance of the Respondent-husband and his counsel, the High Court deemed his conduct lackadaisical and requested the Director General and Commissioner of Police, Hyderabad City, to secure the Respondent-husband's physical presence on 14.08.2025. On 14.08.2025, the Respondent-husband filed an affidavit tendering an unconditional apology for his absence and disputing the Appellant's need for personal maintenance.

IMPUGNED ORDERS

14. On 14.08.2025, the High Court disposing of MAT.APP.(F.C.) 299/2024 and CONT.CAS(C) 634/2025 vide final order and judgment, holding that the amount awarded by the Family Court was not sufficient, that the children are entitled to the same facilities enjoyed by their parents, and enhanced the maintenance to Rs. 1,25,000/- per month from the month of April 2024. The Respondent-husband

also undertook to execute the necessary documents to transfer the ownership of the car in favour of the Appellant-wife.

15. On 26.08.2025, the Appellant filed a Clarification Application (CM Appl. 55169/2025) seeking the following clarifications:

a. That the Respondent-husband be directed to clear the arrears of interim maintenance accrued from April 2024 till date, within a time-bound period;

b. Reaffirm that the Respondent-husband's net disposable monthly income has been assessed by the Family Court at Rs. 4,50,000/-, and further, to record that the deductions of Rs. 1,64,856/-, as noted in the Order dated 14.08.2025, comprise voluntary deductions in addition to statutory deductions;

c. That it be clarified that the contempt proceedings were in fact initiated on account of the Respondent-husband's failure to comply with the earlier Order dated 10.12.2024 of the Delhi High Court, and not merely for nonappearance; and further, that the Respondent-husband be directed to clear the arrears from March 2025 to August 2025 in terms of the said Order dated 10.12.2024.

16. By the Impugned Clarification Order dated 02.09.2025, the High Court directed the Respondent-husband to pay all arrears within six months while continuing monthly payments of Rs. 1,25,000/- without any break.

CONTENTIONS OF THE APPELLANT

17. Learned counsel for the Appellant submits that there is undisputed evidence that the combined monthly expenses of the children alone amount to Rs. 1,66,847/- per month apart from the household obligations borne by the Appellant-wife. Further, they submit that the deductions as shown by the Respondent-husband include voluntary contributions such as ESPPs which cannot be treated as compulsory deductions to reduce monthly income for the purposes of maintenance. In addition, it was submitted that the Appellant-wife's deteriorating health due to aggressive breast cancer directly impacted her ability to cover the shortfall in the minor children's expenses.

RESULT

18. Having considered the submissions and the material placed on record, we are of the view that the quantum of maintenance fixed by the High Court requires reconsideration.

19. In paragraph 4 of the High Court's final order, the salary of the husband is shown as below:

"4. On the other hand, the Respondent who has appeared in-person states that apart from his salary, which according to him is close to Rs.4,00,000/- per month, he is also getting a bonus on an average @ Rs.6,00,000/- per annum. Thus, his monthly income is estimated to be Rs.4,50,000/- (approx.). Out of this monthly income, Rs.1,64,856/- is required to be deducted towards compulsory deductions, including income tax, provident fund, professional tax, etc. He is left with Rs.2,80,000/- (approx.) every month."

20. We have considered the submissions of the Appellant that the deductions are voluntary in nature. We find that deductions of Provident Fund and ESPPs are ultimately benefits that would be passed on to the Respondent-husband. Unlike Income Tax payment or professional taxes which are mandatory taxes, PFs and ESPPs are not permanent charges but rather will accrue into the account of the Respondent-husband which can be withdrawn by the depositor in the future.

21. We are also mindful of the expenses for the cancer treatment of the Appellant-wife who is looking after both children who reside with her.

22. Per interim order dated 10.12.2024, the Delhi High Court had already directed interim maintenance towards the Appellant for Rs. 20,000/- per month. We note that the interim maintenance is not mentioned in the final order dated 14.08.2025. We find it fit to enhance the maintenance to Rs. 30,000/- per month, particularly keeping in mind the medical expenses.

23. We accordingly enhance monthly maintenance for both children to a total of Rs. 1,50,000/- (Rs. 75,000/- per child) with effective from 1st January 2025. This will not preclude the Appellant from seeking enhancement as and when there are change in circumstances.

24. In view of the undertaking given by the Respondent-Husband in paragraph 7 of the High Court order, no further direction is required as he has to abide by it. The Respondent-husband is directed to

do the needful as directed above within a period of 3 months from the date of this order.

25. With above observations, the Civil Appeals are disposed of accordingly. All IAs with these appeals, if any, shall be disposed of.

...................J. (Sanjay Karol)

...................J. (Nongmeikapam Kotiswar Singh)

New Delhi;

August 10, 2026.