

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

Date of Reserve: April 12, 2010
Date of Order: 15th April, 2010

CM (M) No. 1316/2009

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15.04.2010

ABHISHEK JAIN

... Petitioner

Through: Mr. Ashok Chhabra, Adv.

Versus

PRIYANKA JAIN

... Respondents

Through: Mr. Rahul Mehra, Adv.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. The petitioner has assailed an order dated 6th July, 2009, whereby learned District & Sessions Judge, Delhi, allowed an application under section 24 of Hindu Marriage Act, moved by the respondent and fixed a maintenance of Rs. 50,000/- per month (Rs. 35,000/- per month for the respondent and Rs. 15,000/- per month for the minor son).

2. It is submitted by learned counsel for the petitioner that the learned Trial Court wrongly considered that the date of e-mail from the company telling him not to come to office was 31st March, 2009 while his resignation letter was dated 8th February, 2009. He has filed hardcopy of the e-mail where 31st March, 2009 was given as the date of printing of the e-mail and the date of e-mail was given as 18th February, 2009. The other ground taken by

the petitioner is that the learned Trial Court had not considered that the petitioner was not in job from March, 2009 till withdrawal of the petition and he should not have been burdened with payment of maintenance for this period. He further submitted that the Trial Court also ignored the photographs placed by the petitioner on record showing that the respondent was entertaining customers at a stall in exhibition.

3. It is reflected from the e-mail referred to by the petitioner that he was working as Vice President in Media Company whereas the petitioner had claimed himself to be a consultant. Since it is a case of the petitioner himself that he had resigned from the job, he could have placed on record letter accepting his resignation and settling his accounts by the employer. Merely referring to an e-mail where his senior has given a reprimand that if the work was not done by the target date, the team members need not come to office, does not show that resignation of the petitioner was accepted. When an employee, that also of the level of Vice President, resigns, his accounts are settled and appropriate documentation is prepared. The petitioner had not placed before the Trial Court document showing that he had finally left the company and settled his accounts with the company. No doubt, the e-mail is a valid mode of communication but the e-mail of the kind, referred to by the petitioner, does not amount to resignation of the petitioner.

4. The respondent, during argument, had relied upon Asia Pacific Agency Directory of the year 2009 and year 2010 which is published after calling information from different member companies. The information is collected

during the month of June every year and thereafter it is published. The Directories of 2009 and 2010 show that the petitioner was working as Media Director with Dentsu Marcom Pvt. Ltd. during the year 2009 and well as in 2010. The respondent /applicant has also placed on record documents showing that the petitioner was roped in by MPG (India), another media company, as Investments Director. This document is a news item of September, 2009, published in 'People Movement Axis' which shows that the petitioner had joined as Investments Director in Delhi. I consider that learned ADJ rightly did not believe the contentions made by the petitioner that he was out of employment from March to September, 2009.

5. I find no infirmity in the order passed by the learned ADJ, Delhi. There is no force in this petition. The petition is hereby dismissed.

April 15, 2010
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SHIV NARAYAN DHINGRA, J.