

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

DECIDED ON : 29th January, 2015

+ CRL.REV.P. 106/2014 & Crl.M.A.Nos.2841/2014 and 8307/2014
MOHAMMAD AMAJAD

..... Petitioner

Through : Mr.Sharad Pandey, Advocate.

versus

SARAH AMAJAD @ SONIA DHIR

..... Respondent

Through : Mr.Sanjeev Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

Crl.M.A.2842/2014 (delay)

Learned counsel for the respondent has no objection for condonation of delay. For the reasons mentioned in the application, the 80 days delay in filing the revision petition is condoned.

The application stands disposed of.

CRL.REV.P. 106/2014 & Crl.M.A.Nos.2841/2014 and 8307/2014

1. The present revision petition has been filed by the petitioner-Mohammad Amajad to impugn the order dated 02.03.2013 passed by the Judge-02, Family Courts, Saket under Section 125 Cr.P.C.

by which interim maintenance @ ₹7,000/- per month from the date of filing of the application was granted to the respondent-wife. The petition is contested by the respondent.

2. Learned counsel for the petitioner urged that the petitioner is unable to pay the huge amount of ₹7,000/- per month as he has an annual income of ₹2 lacs being a butcher by profession. He is to maintain eight other family members dependent upon him. These assertions are controverted by the respondent's counsel.

3. Learned counsel for the respondent has placed on record the statement of the present petitioner recorded on 22.12.2014 in the proceedings under Section 125 Cr.P.C. In the cross-examination, the petitioner admitted that he was working on commission basis for supply of meat to export houses and his annual income from the said business was 3-4 lacs after deducting expenses. It is also not in dispute that the petitioner has since remarried and has children to maintain them. In the reply to the application for interim maintenance, he alleged that during the period 2006 to October, 2008, the respondent had taken away several lacs of rupees from him on one pretext or the other to hand over to her family members. Apparently, the income disclosed by the petitioner initially is incorrect.

4. Considering the income of the petitioner as admitted by him in the cross-examination on 22.12.2004, the interim maintenance @ ₹7,000/- per month cannot be termed as excessive or unreasonable. I find no merit in the revision petition and it is dismissed. All pending applications also stand disposed of.

5. Trial court record (if any) be sent back along with a copy of this order.

(S.P.GARG)
JUDGE

29th January, 2015
sa