

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

Date of Decision: January 27, 2015

+ CRL.M.C. 309/2015 & Crl. M.A.Nos.1197-98/2015

MANOJ RATURI

..... Petitioner

Through: Mr. Gaurav Vashisht, Advocate

versus

THE STATE & ORS.

..... Respondents

Through: Mr. Parvin Bhati, Additional
Public Prosecutor for respondent
No.1-State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In proceedings under the *Protection of Women Domestic Violence Act, 2005*, vide order of 30th October, 2014, petitioner has been called upon to pay interim maintenance of ₹4,000/- per month to respondent-wife and her child.

At the hearing, challenge to the impugned order is on the ground that the income of petitioner was earlier at ₹6,000/- per month and at present, petitioner is unemployed and respondent No.2-wife is earning and so, grant of interim maintenance to respondents No. 2 & 3 is unjustified.

Upon hearing and on perusal of the impugned order as well as trial

court's order of 26th November, 2013, I find that the case of respondent No.2 is that petitioner-husband is working as Administrative Manager and is earning ₹25,000/- per month whereas case of petitioner is that he is earning ₹6,000/- per month only and therefore, grant of interim maintenance to respondents 2 & 3 is unjustified, as petitioner is unemployed now.

Petitioner is stated to be a graduate who is an able bodied person and his income is to be assessed as per Minimum Wages Act, which in the instant case would come to more than ₹8,000/- per month. In the facts and circumstances of this case, grant of interim maintenance of ₹4,000/- per month to respondents No. 2 & 3 is well justified.

Finding no palpable error in the impugned order, this petition and applications are dismissed.

(SUNIL GAUR)
JUDGE

JANUARY 27, 2015

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