

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

DECIDED ON : JULY 28, 2015

+ CRL.Rev.P.135/2014

GEETU ETC

..... Petitioners

Through : Pt.Om Datt Sharma with
Ms.Minakshi Sharma, Advocates.

versus

RAVINDER

..... Respondent

Through : Mr.Vikram V.Minhas, Advocate.

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

S.P.GARG, J. (ORAL)

1. The present revision petition has been filed by the petitioners to challenge the correctness and legality of an order dated 30.11.2013 of learned Principal Judge, Family Court, Dwarka in petition under Section 125 Cr.P.C. whereby they were granted maintenance @ ₹2,000/- p.m. to petitioner No.1 and ₹1,000/- p.m. to petitioner No.2. The petition is contested by the respondent. I have heard the learned counsel for the parties and have examined the file.

It is not in dispute that petitioner No.1 was married to respondent on 24.02.2008. On 19.03.2010, the petitioner No.2 was born out of this wedlock.

2. During the course of arguments, latest salary slip of the respondent was obtained. On perusal of the latest salary certificate, it surfaced that the gross-salary of the petitioner in the month of March, 2015 was ₹33,680.19/-. After deductions, net salary receivable by him was ₹18,685/-. However, all the deductions are not compulsory. Gross salary as per Form 16 of the respondent was ₹391,738.28 in the said year. Apparently, maintenance granted by the learned Presiding Officer is on the lower side. The respondent volunteered to enhance it to ₹6,000/- per month. The petitioners insisted to raise it to ₹10,000/- per month.

3. The question remains only regarding quantum of maintenance to be granted to the petitioners. The petitioners have no independent source of income to maintain themselves. The respondent is gainfully employed in Air India as Assit-II Hygiene in the pay scale of 9600-15,000; his basic pay is ₹12230 as on March 2015. It is informed that respondent's mother is getting pension. Respondent has no other family member to maintain. Considering the income of the respondent, status of the parties, cost of living, education expenses of the child and

other circumstances, in the interest of justice, the maintenance order is modified to the extent that the petitioners shall get total amount of ₹8,000/- per month as maintenance from the date of the impugned order. Other terms and conditions are left undisturbed.

4. The revision petition is disposed of in the above terms. The respondent is permitted to clear the arrears of maintenance within three months.

5. Trial Court record (if any) be sent back forthwith along with the copy of this order.

(S.P.GARG)
JUDGE

JULY 28, 2015
sa