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

DECIDED ON : 20th NOVEMBER, 2015

+ **CRL.REV.P.61/2015 & CRL.M.A.Nos.1534/2015 & 13618/2015**

RAVISH KASHYAP

..... Petitioner

Through : Mr.A.N.Aggarwal, Advocate with
Mr.Laxmi Ram & Ms.Nupur
Sachdeva, Advocates along with
petitioner in person.

VERSUS

SWATI & ANR.

..... Respondents

Through : Mr.A.K.Chaudhary, Advocate for
R-1 & R-2 along with R-1 in
person.

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

S.P.Garg, J. (Oral)

1. Instant revision petition has been preferred by the petitioner – Ravish Kashyap to impugn the legality and correctness of an order dated 11.12.2014 of learned Principal Judge, Family Courts, whereby he was directed to pay interim maintenance @ ₹7,500/- and ₹2,500/- per month to

respondents No.1 & 2, respectively. The revision petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the file. It is a matter of record that in the divorce proceedings pending between the parties, by an order dated 28.10.2013, learned Judge, Family Courts, had granted interim maintenance @ ₹3,000/- per month in all to the respondents under Section 24 Hindu Marriage Act. Earlier during counseling process, temporary settlement was arrived at between the parties. The petitioner had agreed to pay ₹8,000/- per month to the respondent wife for four months to meet her expenses of delivery. Apparently, the amount of ₹8,000/- per month which the petitioner had agreed to pay was for a limited period and to meet the expenses incurred by respondent No.1 at the time of delivery. Respondents' case is that the petitioner is working as Regional Manager in M/s. Horizons Lamkraft Pvt. Ltd. at D-4, DSIDC Complex, Kirti Nagar, New Delhi and his monthly income is ₹1 lac. The petitioner has claimed that he is working as Sales Executive with Raj Kamal Plywood Pvt. Ltd. and his monthly salary is ₹9,000/- per month. Claim of the respondents is based only upon a 'visiting card' where the petitioner has shown to be the Regional Manager

of the said concern. The respondents have not placed on record any salary certificate to show if the income of the petitioner is ₹1 lac per month or so as alleged. This aspect was considered by the Family Court dealing with divorce petition. The petitioner, on the other hand, has placed on record the photocopy of the salary certificate issued by Raj Kamal Plywood Pvt. Ltd. showing his monthly salary ₹9,000/-.

3. At the time of grant of bail in case FIR No.345/12 under Sections 498A/406/34 IPC, the petitioner had agreed to pay a sum of ₹2.5 lacs in cash to the complainant without prejudice. Similarly, the complainant received ₹3.25 lacs when co-accused – Vibha Jha @ Pinky was granted anticipatory bail by this Court on December 20, 2013.

4. Considering the monthly income of the petitioner, interim maintenance granted @ ₹10,000/- per month appears excessive and on the higher side. It is relevant to note that the respondents have challenged the maintenance order under Section 24 of Hindu Marriage Act. This Court vide order dated 23.03.2015 enquired from the petitioner present in Court about his employment as Regional Manager with M/s. Horizons Lamkraft Pvt. Ltd. He was categorical to say that he did not know the name of any such company and had no connection with that whatsoever. He was

directed to continue to pay maintenance amount as awarded by the Family Court @ ₹3,000/- in all.

5. Considering the facts and circumstances of the case, impugned order cannot be sustained and is modified to the extent that the petitioner shall pay ₹3,000/- in all as interim maintenance to the respondents from the date of filing of the petition till the disposal of the petition under Section 125 Cr.P.C. The amount received by the respondents in any other proceedings shall be adjusted towards this amount.

6. The revision petition stands disposed of in the above terms. Pending applications also stand disposed of. Trial Court record (if any) be sent back forthwith with the copy of the order. Observations in the above order shall not have impact on the merits of the case.

(S.P.GARG)
JUDGE

NOVEMBER 20, 2015 / tr