

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

Date of Decision: February 03, 2015

+ CRL.M.C.No.1688/2012

MOU SOOD

..... Petitioner

Through: Mr. Aaditya Vijaykumar, Advocate

versus

RAHUL SOOD

..... Respondent

Through: Mr. Dharmevora Priani & Mr.
Sachin Bhardwaj, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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Petitioner's application under Section 23 of *Protection of Women from Domestic Violence Act, 2005* stood disposed of by trial court while granting maintenance @ ₹7,000/- per month and ₹5,000/- per month towards alternate accommodation in lieu of restoration of the shared household. The income of respondent-husband was assessed at ₹40,000/- per month. Not satisfied with trial court's order of 22nd October, 2011 petitioner had preferred revision petition, which stands dismissed vide impugned order of 8th February, 2012.

At the hearing, it was submitted on behalf of petitioner-wife that impugned order does not deal with enhancement of maintenance sought by petitioner and restoration of shared household has been illegally

declined by courts below by observing that it is a matter of trial. It was pointed out that respondent-husband was serving in merchant navy in the year 2006-07 and was earning US\$7500 per month and petitioner is a housewife, who is fully dependent upon respondent-husband for her financial needs and she does not have a shelter over her head, therefore, needs to be put back in shared household.

Learned counsel for respondent-husband supports the impugned orders and submits that due to complaints made by petitioner, respondent was thrown out of service and he is jobless and that petitioner was never in possession of the shared household. To contend so, attention of this Court was drawn to trial court's order wherein it is noted that DDA Allotees Association had reported that petitioner was not residing in shared household at the relevant time. During the course of hearing, it was put to respondent's counsel as to what was the rental of a one-room flat near the shared household and the response of learned counsel for respondent was that it would be available in the vicinity of the shared household @ ₹10,000/- per month. This was refuted by petitioner's counsel.

Upon hearing and on perusal of impugned orders and material on record, I find that income of respondent has been rightly assessed @₹40,000/- per month but the maintenance amount granted to petitioner is inadequate. So far as question of putting petitioner back in shared household is concerned, this is an aspect, which is required to be gone into during trial. However, keeping in view the ground realities, this Court is of the considered opinion that petitioner would be able to get an alternate accommodation of one-room set at a rental of ₹10,000/- per

month and reasonable maintenance, which petitioner is entitled to, would be ₹10,000/- per month.

Consequentially impugned orders of 22nd October, 2011 and 8th February, 2012 are modified to the extent that petitioner would be entitled to the maintenance @₹10,000/- per month and rental of ₹10,000/- per month from the date of application.

This petition is accordingly allowed to the aforesaid extent, without commenting upon merits of this case, lest it may prejudice either side at trial.

(SUNIL GAUR)
JUDGE

FEBRUARY 03, 2015

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