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

Date of Decision: August 26, 2015

+ **CRL.M.C. 2402/2014 & CrI.M.A.8139/2014**

GYANENDER PRAKASH MADHUR Petitioner
Through: Ms. Deepali Gupta, Advocate

versus

SMT SUSHILA KUMARI Respondent
Through: Dr. K. S. Bhati and Ms. Rashmi
Bhati, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In the proceedings under *the Protection of Women from Domestic Violence Act, 2005*, trial court has directed petitioner to pay interim maintenance @ ₹25,000/- per month for the two children of the parties and the said order was challenged by petitioner in appeal which also stands dismissed vide impugned order of 18th March, 2014.

At the hearing, learned counsel for petitioner submits that the statutory reduction by respondent-wife in her salary is much more and real income of the parties ought to have been considered in fixing the interim maintenance, which has not been done by the courts below and so, impugned order ought to be set aside.

Learned counsel for respondent support the impugned order and

submits that there is no illegality in fixing the maintenance amount and that petitioner can reside with respondent-wife in the matrimonial house where she is residing so that his House Rent Allowance (HRA) is not deducted.

Upon hearing and on perusal of the impugned orders, the affidavit of the parties which are accompanied by copies of their salary certificate, I find that the gross salary of petitioner is ₹66,844/- whereas of respondent, it is ₹67,415/-.

During the course of hearing, it was disclosed that the two children of the parties are two teenage boys aged around 14-15 years. While taking into consideration the affidavit of the parties and their gross income, I find that the interim maintenance granted and affirmed by the courts below do not suffer from any palpable error.

Finding no substance in this petition and the application, they are dismissed.

(SUNIL GAUR)
JUDGE

AUGUST 26, 2015

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