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

DECIDED ON : 18th AUGUST, 2015

\+ **CRL.R.P.357/2014**

SMT. RITU SINGAL & ORS. ..... Petitioners

Through : Mr.Ashok Kaushik, Advocate along with petitioner in person.

versus

OJASWI SINGAL ..... Respondent

Through : Respondent in person.

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

S.P.Garg, J. (Oral)

1. The instant revision petition has been filed by the petitioners to challenge the legality and correctness of an order dated 31.03.2014 whereby interim maintenance @ ₹ 4,000/- in all was granted to them in the proceedings under Section 125 Cr.P.C. Revision petition is contested by the respondent. I have heard the learned counsel for the petitioners; the respondent opted to address arguments in person.

2. In the petition under Section 125 Cr.P.C., the petitioner No.1 averred the total income of the respondent from all sources to be about

₹4,00,000/- per month. The respondent while denying it stated that as per the Income Tax Returns filed by him, the income was not more than ₹10,000/- per month.

3. Admitted position is that the respondent is a qualified Chartered Accountant and is enrolled with ICAI. In the written statement he was evasive to disclose his specific income. In additional affidavit dated 11.02.2013, he disclosed that he was one of the partners in M/s.P.Chopra and Company, Hisar and was doing his professional work under the name of the aforesaid firm at Hisar. As per Income Tax Return for the assessment year 2012 – 2013, his professional income was ₹ 1,14,135/- per annum. The income reflected by the respondent in the Income Tax Returns cannot be taken on its face value. Strange enough, the income has decreased continuously when in 2010 / 2011 in the Income Tax Returns for the assessment year 2010 – 2011, the total income reflected was ₹ 1,52,934/-. The respondent has not given any valid reasons for decrease in income. It has come on record that the respondent has income from profession; income from M/s.P.Chopra and Company; income from other sources i.e. interest, salary, dividend income, etc. As per the Expenditure Account for the year ending on 31.03.2012 of M/s.

P.Chopra and Company, Hisar, the total income has been shown to be ₹ 92,245/-. However, exorbitant expenses are shown to have been incurred. It is not expected that an individual having four bank accounts in different banks would earn only ₹ 10,000/- per month. The respondent has all the facilities available in his office and he deals in trading of shares as well. He has shown ₹ 30,000/- as interest received from one Dr.Hukum Chand Popli in the Income Tax Returns for the year 2011 – 2012.

4. The petitioner No.1 has emphatically denied to be earning any income. Income Tax Return in her name, no doubt reflects her income to the tune of ₹ 1,58,957/- for the assessment year 2011 – 2012. Petitioner No.1's case is that the Income Tax Return in her name was filed by the respondent to avoid income tax. It seems so, as no document has come on record to show as to from where the petitioner No.1 used to generate income. It appears that the respondent has attempted to divert his income in her name to suppress his real income.

5. Meager amount of ₹ 4,000/- in all granted by the Trial Court is highly inadequate. Admittedly, the petitioner No.2 is a school going child and has to incur various expenses including tuition fee and other charges.

6. Considering the facts and circumstances of the case, income of the respondent; status of the parties; their standard of living; requirements of the petitioner No.1 and her two children, in my view, interim maintenance ₹ 7,000/- for petitioner No.1, ₹ 2,000/- for petitioner No.2 and ₹ 1,000/- for petitioner No.3 would meet ends of justice at this stage.

7. Accordingly, impugned order is modified to the extent that the interim maintenance shall be ₹ 10,000/- per month in all as discussed above. Other terms and conditions of the impugned order are left undisturbed. The enhancement is applicable from the date of the impugned order i.e. 31.03.2014.

8. Observations in the order shall have no impact on merits of the case.

9. The revision petition stands disposed of in the above terms.

10. Trial Court record be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

AUGUST 18, 2015 / *tr*