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

+ CRL.M.C.3089/2013 & CrI.M.A.11562/2013

MADHU KUKRETI & ORS. Petitioners

Through: Ms. Sangeeta Chandra, Advocate

versus

MUKESH KUKRETI Respondent

Through: Mr. Sagar Hajela, Advocate for
Mr. Devraj Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

13.07.2015

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In proceedings under Section 125 of Cr.P.C., trial court vide order of 30th August, 2012 has directed respondent-herein to pay interim maintenance of ₹2,200/- per month to each of the two children of the parties. In the revision petition, revisional court vide order of 27th May, 2013 has reduced the maintenance amount to ₹3,000/- per month from total amount of ₹4,400/- per month while taking the salary of respondent-herein to be ₹7,000/- per month.

At the hearing, learned counsel for petitioners contends that although the revisional court has come to the conclusion that petitioner No.1-wife herein is also entitled to maintenance, but instead of enhancing the maintenance amount, it has reduced it and has erroneously taken income of respondent as ₹7,000/- per month whereas it is ₹10,000/- to ₹12,000/- per month.

Learned counsel for respondent supports the impugned order and submits that there is no illegality in it.

Upon hearing and on perusal of the impugned order, trial court's order and the material on record, I find that vide order of 11th September, 2013, respondent was directed to file affidavit of his income, assets, etc. alongwith the supporting documents. Although respondent has filed his affidavit on 3rd November, 2013, but he has not filed the supporting documents like salary slip etc.

Keeping in view the ground realities, this Court is of the considered opinion that respondent, who claims to be an Accountant with a Security Agency in Haldwani would be reasonably earning ₹10,000/- to ₹12,000/- per month, as has been found by the trial court.

Pertinently, respondent-husband has not come forward with his salary slip and so, there was no justification for the Revisional Court to assess the income of respondent-husband at ₹7,000/- per month and to reduce the total maintenance amount from ₹4,400/- to ₹3,000/- per month for petitioner and her two minor children.

Accordingly, impugned order of 27th May, 2013 is hereby quashed and trial court's order of 30th August, 2012 is restored.

This petition and the application are accordingly allowed.

(SUNIL GAUR)
JUDGE

JULY 13, 2015
s/r