

I-25

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

Date of Decision: 29th June, 2015

+ CRL.M.C. 2567/2015 & Crl. M.A.Nos.9111-9112/2015

CHETAN MISTRI Petitioner

Through: Mr. A.K. Dubey, Advocate

versus

STATE & ORS. Respondents

Through: Mr. Parveen Anand, Additional
Public Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

%

In proceedings under Section 125 of the Cr.P.C., impugned order of 18th February, 2015 directs petitioner to pay interim maintenance of ₹5,000/- per month with direction to the parties to file affidavit in terms of decision in *Puneet Kaur Vs. Inderjeet Singh Sahwney* 183 (2011) DLT 403.

Learned counsel for petitioner assails the impugned order on the ground that the earning capacity of respondent-wife has not been considered and without obtaining her affidavit, interim maintenance has been erroneously fixed. During the course of hearing, it was urged by learned counsel for petitioner that out of ₹25,000/-, petitioner is paying EMI of ₹15,7000/- towards housing loan and so, the amount of interim

maintenance fixed is on the higher side.

Upon hearing and on perusal of the impugned order, I find that it is noted in the impugned order that petitioner is earning ₹25,000/- per month. Not only the impugned order is interlocutory one but otherwise also, I do not find any justification to invoke extra ordinary inherent jurisdiction under Section 482 of the Cr.P.C. to interfere with the impugned order, as interim maintenance amount appears to be quite reasonable, as petitioner can always get his EMI re-scheduled.

With aforesaid observations, this petition and applications are disposed of, while refraining to comment upon the merits of the case.

(SUNIL GAUR)
JUDGE

JUNE 29, 2015

r