

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

DECIDED ON : JULY 23, 2015

+ Crl.Rev.P.630/2014 & Crl.M.A.15843/2014

AMJAD ALI Petitioner
Through : Mr.Ankit Sharma, Advocate.

versus

SALMA BEGUM AND ANR. Respondents
Through : Mr.Abhishek Verma, Advocate.

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

S.P.GARG, J. (ORAL)

1. The instant revision petition has been filed by the petitioner to impugn the legality and correctness of a judgment dated 21.08.2014 of learned Principal Judge, Family Courts in MT No.345/14 under Section 125 of the Code of Criminal Procedure whereby he was directed to pay ₹8,000/- per month as maintenance to each of the respondents. The petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the record. In the petition under Section 125 Cr.P.C. the respondents claimed maintenance to the tune of ₹75,000/- p.m. It was

alleged that the total income of the petitioner from all sources was ₹1,50,000/- per month. In response to that, the petitioner claimed that he was getting ₹19,000/- p.m. as salary due to his employment with Kalka Public School Alaknanda, New Delhi. He claimed that Respondent No.1 was earning ₹3,000/- per month by doing the work of embroidery or tailoring.

Relationship of husband and wife between the parties is not in dispute. Admittedly, respondent No.2 was born out of this wedlock and presently he is residing with his mother. The respondent-wife in her evidence has levelled serious allegations whereby she was treated with cruelty on account of dowry demands. A case FIR No.224/08 under Section 406/498-A/34 IPC lodged by her which is still pending. It has come on record that the petitioner has since divorced his wife and has contracted second marriage with Rubia Khan. Apparently, the petitioner is entitled to live separately as the petitioner has contracted second marriage.

3. The petitioner did not produce any evidence to show if respondent-wife was gainfully employed to generate monthly income of ₹3,000/- per month due to embroidery or tailoring. No such suggestion was put to her in the cross-examination when she appeared as PW-1.

Nothing has come on record to show if she is expert in embroidery or tailoring. Regarding the income of the petitioner, he did not produce cogent and reliable documents to assess it positively. He did not file on record income tax returns and merely relied upon Form 16 which showed his annual income from salary alone. The petitioner has admitted that he was running a Computer Centre at Krishna Park, Main Devli Road, Khanpur. But has come with the plea that the said centre has since been sold by him for ₹80,000/- to pay ₹1,50,000/- to the respondent No.1 pursuant to conditional bail order. The Trial Court has dealt with this aspect elaborately and has noted that the petitioner has taken conflicting stands about the computer centre. It is unbelievable that the petitioner earning handsome income from Computer Centre would sell it for ₹80,000/- to deprive himself regular source of income. He did not produce any document to show as to how much income was being earned from running of the said Computer Centre. No books of accounts maintained at the centre showing the number of students admitted therein has been placed on record. Apparently, the petitioner appears to have concealed his real income.

While disposing interim maintenance application way back in 2010, he was directed to pay maintenance to the tune of ₹12,000/- to the

respondents by the learned Metropolitan Magistrate which was upheld in revision too.

4. The findings of the Court below are based on fair appreciation of the evidence and need no intervention. I find no illegality or irregularity in the impugned order granting maintenance to the tune of ₹8,000/- each to the respondents. Looking into the status of the parties, their living standard, educational expenses of the child, cost of living and other circumstances, amount of ₹16,000/- for both the respondents cannot be termed unreasonable or excessive.

5. The Revision petition is devoid of merits and is dismissed. Trial Court record (if any) along with a copy of this order be sent back forthwith.

(S.P.GARG)
JUDGE

JULY 23, 2015
sa