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

Date of Decision: May 18, 2015

+ **CRL.M.C. 2093/2015 & CrI.M.As.7442-43/2015**

LOKESH KUMAR GERA Petitioner
Through: Mr. Pranab Prakash, Advocate

versus

NEELAM RATHI Respondent
Through: Nemo

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

JUDGMENT
(ORAL)

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In proceedings under *the Protection of Women from Domestic Violence Act, 2005* impugned order of 13th February, 2015 affirms trial court's order vide which petitioner has been called upon to pay the interim maintenance of rupees seven thousand per month for the minor child *Lavanya* aged about 4 years.

Learned counsel for petitioner submits that petitioner has suffered a heart attack in January, 2014 and thereafter, his business has dwindled and the expenses of the child are fourteen thousand per month and respondent can maintain the child as respondent-wife is earning rupees forty five thousand per month.

Learned counsel for petitioner submits that petitioner should be

called upon to pay the interim maintenance in proportion to the income being earned by the parties.

Upon hearing and on perusal of the impugned order, I find no palpable error in it as the income of petitioner has been reasonably assessed by the trial court to be rupees twenty five thousand per month.

During the course of hearing, learned counsel for petitioner has brought to the notice of this Court that petitioner's shop was sealed on 18th April, 2015 and in view thereof, petitioner is not able to earn anything and thus, is unable to pay the interim maintenance. If it is so, then petitioner is at liberty to resort to the remedies as available to him in law to seek the modification of the maintenance amount so determined by the trial court.

This petition and the applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 18, 2015

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