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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 89/2015**

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Date of Judgment : 07.10.2015

NAVDEEP KOLI

..... Appellant

Through : Mr. Gulzar Ahmad, Advocate.
versus

SUDHA

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

C. M. APPL. Nos. 11551/2015 (Delay in filing) & 11552/2015 (Delay in re-filing)

1. For the reasons stated in the application, delay in filing and re-filing the present appeal is condoned. Applications stand disposed of.

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2. Challenge in this appeal is to the order passed by the Family Court on an application filed by the respondent/wife under Section 24 of the Hindu Marriage Act claiming interim maintenance.
3. Learned counsel for the appellant submits that the appellant/husband is without a job and his services were terminated by his Employer i.e. M/s AMAZON EXPORTS PTE LTD. on 27.03.2014 on account of his persistent absence and leave. Counsel further submits that the appellant has been seeking employment but has been unsuccessful and is presently working as a part-time Data Operator and is earning Rs. 4,000/- p.m.

4. We have examined the order passed by the Family Court.
5. The marriage between the parties was solemnized on 02.12.2010. Out of their wedlock, a daughter was born on 29.10.2011. As per the order of the Family Court, the respondent/wife has no source of livelihood and she has to maintain herself and her minor daughter. The Family Court has observed that in the reply to the application under Section 24 of the Hindu Marriage Act, the appellant/husband has claimed that he was earning Rs. 16,000/- p.m. and he is also residing with his father.
6. Learned counsel for the appellant on a query raised by this court has informed the court that that father of the appellant is providing the day-to-day expenses to him for his needs. Along with the additional affidavit, the appellant has filed internet print outs to show that he has been regularly making applications for a regular job but has not been successful. The print outs placed on record show that the appellant was requested to register online as per e-mail dated 21.07.2014 but nothing has been shown that actually the appellant had followed the directions.
7. It has been repeatedly noticed by Courts that there is a tendency on the part of the spouse not to truthfully disclose his true income for proceedings for maintenance. In case of ***Jasbir Kaur Sehgal Vs. District Judge Dehradun & Ors. : (1997) 7 SCC 7***, it was held that some guess work on the part of the Court is permissible.
8. We are also not convinced by the submissions made by the counsel for the appellant that the appellant is working as a Data Operator and earning Rs. 4,000/- p.m. which amount is less than the minimum

wage being paid. The law is well settled. The appellant is duty bound to maintain his wife and minor daughter and provide them the same level of comfort and needs which the respondent was enjoying in her matrimonial home. The Family Court has fixed a conservative amount of Rs. 8,000/- p.m. to be paid by the appellant to the respondent as monthly maintenance.

9. We find no grounds to interfere in this matter. Accordingly, the appeal is dismissed.
10. At this stage, the appellant submits that he is agreeable for reconciliation. We grant leave to the appellant to approach the Mediation Centre or the Family Court.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 07, 2015

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