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

\+ CRL.REV.P. 85/2016 & Crl.M.A.1920/2016 (Stay)

DEEPTI ARORA ..... Petitioner

Through : Mr. Amit Vashisth, Adv. with petitioner in person.

versus

AMIT ARORA ..... Respondent

Through : None.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

<u>O R D E R</u>

% 11.08.2016

Vide order impugned in this writ petition, Principal Judge, Family Court, East District has awarded interim maintenance of ₹4,500/- per month to the wife (petitioner), from the date of filing of the application, that is, 12th May, 2009 and litigation expenses amounting to ₹11,000/-. Aggrieved by this order petitioner has preferred this revision petition under Section 397 of Cr.P.C.

Petitioner alleged before the Trial Court that respondent was running a travel agency and earning ₹50,000/- per month. She further claimed that he owns a house bearing no.17, Ram Nagar Extension-II, Old Anarkali, Delhi. Respondent has denied these allegations. In his affidavit, filed before the Trial Court, he stated that he was earning ₹8,000/- per month. As regard the house, he took a plea that same was owned by his mother wherein entire family was living. Respondent claimed that petitioner was a working woman. She was taking tuitions. He stated that he was working as a property consultant and earning ₹8,000/- per month. Earlier, he was plying a school cab till May, 2012. He had studied only upto 11th class; whereas petitioner was a graduate.

A perusal of the Trial Court order indicates that photocopies of the income tax returns for the assessment years 2007 to 2011, of the respondent were considered to assess his income for grant of interim maintenance, during the pendency of petition under Section 125 Cr.P.C. Trial Court has noted that income of respondent during the assessment year 2007-08 was ₹1,04,350/-, during 2008-09 it was ₹1,19,650/-, during 2009-10 it was ₹1,85,614/- and during 2010-11 it was ₹1,66,127/-. Accordingly, average gross income of the respondent has been taken as ₹1,57,128/-. It is noted that monthly income comes to around ₹13,100/-, on the basis of the gross income as shown in the I.T. returns. Following the law laid down in *Anurita Vohra Vs. Sandeep Vohra, 110 (2004) DLT 546*, monthly interim maintenance of ₹4,500/- per month has been fixed. I do not find any illegality or irregularity in the approach adopted by the Trial Court.

Allegations and counter allegations can be resolved only after the trial. For awarding interim maintenance, income tax returns have rightly been accepted.

Revision petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

AUGUST 11, 2016/dk