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

\+ CRL.M.C. 3461/2016

HARBHAJAN SINGH ..... Petitioner

Represented by: Ms. Mumtaz Ahmed, Adv.

versus

STATE OF NCT (GOVT OF DELHI) & ANR ..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% **20.09.2016**

Crl.M.A.14625/2016

Exemption allowed, subject to all just exceptions.

Crl.M.A. 14627/2016

For the reasons stated in the application, the delay of 160 days in refiling the petition is condoned.

Application is disposed of.

Crl.M.C. 3461/2016 & Crl.M.A. 14626/2016

1. By the present petition, the petitioner seeks setting aside of order dated 2nd February, 2016 and reduction of quantum of maintenance fixed by learned Additional Sessions Judge in Crl. Appeal No.33/2015.

2. A complaint case was filed by the respondent under the provisions of Protection of Women from Domestic Violence Act wherein the learned Metropolitan Magistrate vide order dated 2nd September, 2015 granted interim maintenance to the respondent and her minor child for a sum of

₹20,000/- per month.

3. In the appeal, the learned Additional Sessions Judge reduced the said amount to ₹15000/- per month. The petitioner seeks further reduction. According to learned counsel for the petitioner, since the petitioner is earning only ₹5000/- per month by giving tuitions to some students, the interim maintenance of ₹15000/- was on higher side and he is not in a position to pay the same.

4. Perusal of the impugned order would reveal that petitioner filed no documentary proof regarding his income i.e. either the salary slip, bank passbook, income tax return etc. or that he was not running two coaching institutes as claimed by the respondent. The appellate Court noted that admittedly the petitioner was holding a professional degree of B.Tech and it was beyond comprehension that he was earning ₹5000/- and he has deliberately not produced any proof.

5. When this Court raised queries, learned counsel for the petitioner submitted that petitioner is not an income tax payee. Even if the petitioner is not an income tax payee, he was required to place on record his bank statement at least which would have shown his monthly income. The respondent had stated on affidavit that petitioner is running two coaching institutes i.e. Galaxy Institute of English Language at Ballabhgarh and earning ₹50000/- per month and American Institute (coaching centre) at Hodel and earning further sum of ₹75000/- per month from there which averments on oath have not been traversed by the petitioner by placing cogent evidence on record.

6. Considering the fact that the petitioner did not rebut any of the pleas of the respondent by filing documentary evidence, I find no reason to

interfere with the impugned order.

7. Petition and application are dismissed.

MUKTA GUPTA, J.

SEPTEMBER 20, 2016
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