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

+ CRL.REV.P. 529/2016

WASIM ANWAR

..... Petitioner

Through : Mr. Rajeev Dhawan, Adv.

Versus

SHAGUFTA & ANR

..... Respondents

Through : Attendance slip not given.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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11.08.2016

CRL.REV.P. 529/2016 and Crl. M.A. nos. 12467-71/2014

By this petition under Section 397 read with Section 401 Cr.P.C., petitioner has assailed the order dated 30th January, 2016 of the Principal Judge, Family Court, Saket Courts, New Delhi; whereby petitioner has been directed to pay ₹2,000/- each to his wife and daughter, that is, respondents every month. As per the petitioner, interim maintenance is not liable to be paid by him to the respondents.

Learned counsel for the petitioner submits that respondent no. 1 did

not disclose that she was a divorcee, while marrying the petitioner. Respondent no.1 has filed several cases against the petitioner. Respondent no.1 apologized to petitioner on phone for her above conduct. Petitioner is a carpenter and occasionally gets work. His income has wrongly been taken as ₹15,000/- per month by the trial court while awarding maintenance to respondents.

A perusal of the order dated 30th January, 2016 shows that respondent No.1 has taken a plea before the trial court that previous marriage and its dissolution was disclosed to petitioner and his family members. Respondent no. 1 has also stated that, after the marriage, she was harassed for dowry. Her mother was compelled to pay ₹42,000/- to petitioner's mother to avoid ill-treatment. Finally, she was thrown out of the house on 23rd February, 2014.

Marriage between the petitioner and respondent no. 1 is not in dispute. It has also been disputed that respondent no. 2 was born from their wedlock. In my view, other allegations and counter allegations levelled by the parties against each other are subject matter of trial and will not come in way of granting interim maintenance.

By the impugned order, only interim maintenance has been awarded

during pendency of proceedings under Section 125 Cr.P.C. Petitioner had claimed his income to be ₹9,000/- in his affidavit filed before the trial court. At the same time, he claimed that he was spending ₹10,000/- per month. How? There is no explanation given by him on this point. Trial court has observed that minimum wages of a skilled worker are about ₹11,000/- per month. Nothing wrong can be found in this approach adopted by the trial court.

I do not find any illegality or procedural irregularity in the impugned order. Revision petition is dismissed. All other miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

AUGUST 11, 2016

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