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

+ MAT.APP. (F.C.) 102/2016, CM APPL.27228-27229/2016

SANCHIT CHAKRABORTY Appellant
Through: Mr. Anubhav Mehrotra, Advocate.

versus

JAYA CHAKRABORTY Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

01.08.2016

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The appellant challenges the order dated 30.04.2016 by which his wife's application under Section 24 for maintenance *pendente lite* was disposed of and she was granted maintenance to the extent of ₹5,000/- (Rupees five thousand) per month. It is contended that he has extremely limited means and on account of his spinal condition, he is severely limited insofar as his income earning capacity is concerned. Learned counsel also contends that the wife suppressed the fact that she used to work earlier.

We have considered the submissions and the materials on record. The Trial Court evaluated the materials and the evidence based upon the disclosures made by the parties. It deduced that the husband/appellant was possessed of an average income of ₹44,000/-

per month in 2012, ₹27,000/- per month in 2013, ₹46,000/- per month in 2014 and had no income in the year 2015. The Court also noticed that he was possessed of other means in the form of fixed deposits etc.

Having regard to these, the Court is of the opinion that there is no infirmity with the impugned maintenance order.

At this stage, learned counsel seeks liberty to withdraw the appeal and approach the Family Court for modification in the light of any other facts which may be relevant for this purpose. It is clarified that if such developments are relevant, the Family Court would appropriately consider them in accordance with law and make its order depending on the circumstances after hearing the parties.

Counsel for appellant seeks liberty to withdraw the appeal in terms of the above order. The above appeal stands dismissed as withdrawn along with all pending applications.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

AUGUST 01, 2016

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