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

+ MAT.APP.(F.C.) 110/2016

SUNITA

..... Appellant

Represented by: Mr.Shreyans Singhvi, Advocate with
Ms.Ekta Mehta, Advocate

versus

HIMANSHU GAUR

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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16.08.2016

CM No.29536/2016

Allowed subject to just exceptions.

CM No.29535/2016

For the reasons stated in the application delay of 105 days in filing the appeal is condoned.

Application is disposed of.

MAT.APP.(F.C.) No.110/2016

1. Vide impugned order dated March 22, 2016, the appellant has been denied maintenance claimed under Section 24 of the Hindu Marriage Act, 1955.
2. The undisputed position is that the appellant and the respondent got married on January 19, 2009. This was without the blessing of their parents. It was a runaway marriage.

3. When they got married the respondent was pursuing the senior secondary course at the National Institute of Open School. He was a student of Class X. He was not earning a penny.
4. The appellant was then a graduate and was pursuing a course in MMC.
5. From the address of the parties it is apparent that both families come from a humble socio-economic background. Their families reside in unauthorized colonies. The respondent's father is in petty business. He installs EPABX systems. Appellant's claim that her husband earns ₹4 lakhs per month has remained simply a claim. The respondent claims that he helps his father in carrying on a petty business and his father pays him ₹2,000/- per month. As per him he stays with his parents.
6. Appellant's claim that her husband was owning property in Bulandsahar and was earning ₹2 lakhs per months therefrom has remained a mere assertion.
7. The learned Judge Family Court has held that in aforesaid backdrop, the appellant who is better qualified would be expected to earn something. As regards her husband, keeping in view his educational qualifications his version that he is assisting his father in the petty business and he has no independent earning has been accepted.
8. In the appeal the appellant has not been able to show us any material wherefrom it can be gathered that the respondent is having any income of his own.
9. What disturbs us is the fact that the appellant has been ill-advised to lodge two FIRs against her husband. It is highly doubtful whether any dowry was demanded or given. The proof is the runaway marriage between the appellant and the respondent.

10. We find no infirmity in the impugned order.
11. The appeal is dismissed.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 16, 2016
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