

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 567/2016
PUSHPA GUGLANI Petitioner
 Through : Ms. Manika Tripathy Pandey and Mr.
 Ashutosh Kuashik, Advs.
 versus

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK
ORDER
% 29.08.2016

Application is disposed of.

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Petitioner has challenged the order dated 7th April, 2016 passed by the Family Court, East District, Delhi whereby petitioner's application under Section 127 Cr.P.C. has been dismissed. Vide order dated 18th September, 2009, interim maintenance of ₹3,000/- per month was granted to petitioner

under Section 125 Cr.P.C. by Metropolitan Magistrate. Respondent preferred revision petition in the court of learned Additional Sessions Judge, which was dismissed vide order dated 20th January, 2011. Respondent approached this Court by way of petition under Section 482 Cr.P.C. being Crl. M.C.544/2011, which was also dismissed. Thereafter, petitioner filed application under Section 127 Cr.P.C. on 23rd September, 2014 for enhancement of interim maintenance to ₹30,000/- per month. Learned Family Court has meticulously examined the material placed on record and has held that there is no ground for enhancement of interim maintenance. Family court has observed that allegations and counter allegations are subject matter of trial and can be dealt with only after adducing the respective evidences of the parties. Family court has noted that petitioner admitted that she was earning ₹5,000/- per month by imparting tuition. This fact was admitted by her in her cross-examination before the Guardianship Court in the proceedings under Section 25 r.w. Section 7 of the G & W Act. She admitted in her cross examination that she was graduate from Meerut University and she imparted tuitions and was earning ₹5,000/- per month. She further admitted that she could get a job of ₹8,000/- per month. This admission was made by her in the year 2009.

Petitioner's income tax return indicated her annual income of ₹1,50,650/- during the year 2008-09 and ₹1,81,000/- during the year 2010. All these facts have been considered by the Family Court while dismissing the application under Section 127 Cr.P.C.

I do not find any illegality or impropriety in the view taken by the Family Court. Revision petition is dismissed.

A.K. PATHAK, J.

AUGUST 29, 2016/dk