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

DECIDED ON : 9th DECEMBER, 2016

+ **CRL.REV.P.799/2016**

ARIF SAIFI Petitioner

Through : Mr.Aman Usman, Advocate.
versus

PARVEEN SAIFI & ORS. Respondents

Through : None.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

CRL.M.A.No.19210/2016 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.REV.P.799/2016, CRL.M.A.Nos.19209/2016 & 19211/2016

1. Present revision petition under Sections 397/401 Cr.P.C. has been preferred by the petitioner to challenge the legality and correctness of an order dated 01.09.2016 of learned Principal Judge, Family Courts, whereby he was directed to pay interim maintenance @ ₹5,000/- per month for the wife and ₹2,500/- per month each for the daughters.

2. I have heard the learned counsel for the petitioner and have examined the file. Petitioner's counsel urged that the petitioner has monthly

income of ₹6,000/- and he is unable to pay the hefty amount of interim maintenance granted by the Court below.

3. On perusal of the impugned order, it reveals that the petitioner has taken conflicting and contradictory stands at different stages regarding his actual income. Earlier also, the petitioner was directed to pay ₹5,000/- in all as maintenance in a petition under Section 12 of Domestic Violence Act. The revision petition filed by him resulted in its dismissal.

4. Pleadings of the parties reveal that Swift Dzire was given to the petitioner at the time of marriage. A person having meagre income of ₹6,000/- per month as alleged cannot be expected to maintain a vehicle Swift Dzire. Apparently, the petitioner has not disclosed the exact source of income.

5. Moreover, the interim maintenance granted by the learned Trial Court is an interim arrangement. Any payment made in excess pursuant to modification (if any) would be adjustable. Amount of ₹5,000/- granted as interim maintenance by the Court of Metropolitan Magistrate in the proceedings under Section 12 Domestic Violence Act shall also be taken into consideration and adjusted. The quantum of interim maintenance can't be termed excessive or unreasonable at this stage.

6. The petition lacks merits and is dismissed. Trial Court record (if any) be sent back forthwith with the copy of the order. Pending applications also stand disposed of.

(S.P.GARG)
JUDGE

DECEMBER 09, 2016 / tr