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

+ **CRL.REV.P. 757/2015**

KAILASH CHAND GUPTA

..... Petitioner

Through Mr.Vikas Yadav & Ms.Upma Yadav,
Advocates.

versus

REKHA GUPTA

..... Respondent

Through Mr.Davinder N. Grover & Mr.Jay K.
Bhardwaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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29.01.2016

Crl.M.A. 17096/2015 (Exemption)

Application is disposed of subject to just exceptions.

Crl.Rev.P. 757/2015, Crl.M.A. Nos.17095/2015 & 17097/2015

The present revision petition has been filed by the petitioner under Section 401 of the Cr.P.C. against the order dated 10.09.2015 passed by the learned Additional Sessions Judge, Patiala House Courts, New Delhi and the order dated 15.05.2015 passed by the learned Metropolitan Magistrate, Patiala House Courts, New Delhi awarding interim maintenance @ Rs.30,000/- in favour of the

respondent.

Arguments heard.

It has been argued by the learned counsel for the petitioner that the income and status of the petitioner-husband has been wrongly assessed by the Courts below. The petitioner is just a helping hand on his father's ration shop. He is not having any property in his name and the interim maintenance awarded is on higher side.

On the other hand, learned counsel for the respondent has argued that the petitioner is earning about Rs.50,000/- from the ration shop apart from earnings from the property dealing. The petitioner is earning handsomely and the interim maintenance awarded is just and property. There is no illegality or infirmity in the impugned orders.

It is apparent from the record that the petitioner-husband withheld his income and other earnings from the Trial Court. He had also withheld the sale proceeds of the property as alleged by the respondent-wife. Moreover, there is concurrent findings of fact by the Courts below in the present case which do not require any interference. It is also matter of record that the amount of maintenance awarded in favour of the respondent-wife is an interim

measure which shall be subject to adjustment at the time of final decision of the case.

In view of the above discussion, this Court does not find any illegality or infirmity in the orders passed by the Courts below.

Consequently, the present petition is hereby dismissed.

Applications CrI.M.A. Nos.17095/2015 & 17097/2015 are also disposed of.

P.S.TEJI, J

JANUARY 29, 2016
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