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

+ **CRL.M.C. 4876/2015**

SACHIN MALIK

..... Petitioner

Represented by: Mr.Anil Sharma, Advocate with
Mr.Arun Baali and Mr.Jaskaran
Singh, Advocates

versus

STATE & ANR

..... Respondents

Represented by: Mr.Akshai Malik, APP for R-1
Mr.S.S.Ray, Advocate with Ms.Rakhi
Ray and Mr.Vaibhav Gulia,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

% **19.09.2016**

1. The marriage between Sachin Malik and Mikie Malik, the petitioner and respondent No.2 respectively was solemnized on September 03, 2007 as per Hindu Rites and Customs and the couple resided at their matrimonial house at 4/14, Roop Nagar, Delhi-110007. They separated somewhere in March 10, 2008. A baby girl was born to the couple in September, 2008.
2. In proceedings initiated under the Protection of Women from Domestic Violence Act, 2005 the learned Metropolitan Magistrate considered the material placed before her by the parties and noting that the child was with the respondent No.2 granted maintenance in sum of ₹25,000/- as a pro-tem interim maintenance. The application for grant of

maintenance being deferred for further consideration to March 03, 2015. The said pro-tem interim order has been dismissed by the learned ASJ vide impugned order dated September 21, 2015.

3. Learned counsel for the petitioner does not dispute that as an employee annual income which petitioner disclosed for the assessment year 2010-11 was ₹22 lacs and for the assessment year 2013-14 it was ₹12 lacs.

4. Argument is that the wife was earning ₹45,000/- per month.

5. I do not wish to speak much at this stage because the learned Metropolitan Magistrate is still seized of the application and has yet to fix the interim maintenance after appraising the documents filed by the respective parties, but would hold that ₹25,000/- per month is not a grossly disproportionate figure considering that at present the petitioner is serving in China and has yet to bring on record the terms of his employment in China. Surely a person earning ₹1,00,000/- per month in the year 2013-14 would not go to China to earn a living if the financial benefit is less than what was being earned in India.

6. Dismissing the petition I direct the learned Metropolitan Magistrate to pass a final order fixing interim maintenance after considering the evidence placed by both parties and the exercise be completed positively by the end of the current calendar year.

Crl.M.A.No.17456/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

SEPTEMBER 19, 2016

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