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

+ **MAT.APP.(F.C.) 49/2017**

RAJEEV GUPTA

..... Appellant

Represented by: Mr.Mandep Kumar Sharma,
Advocate with Mr.Deepak
Gupta, Advocate

versus

SEEMA GUPTA

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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24.03.2017

CM No.11522/2017

Allowed subject to just exceptions.

MAT.APP.(F.C.) 49/2017

1. The respondent has been awarded monthly maintenance in sum of ₹15,000/-.
2. Learned counsel for the appellant urges that the learned Judge, Family Court has been influenced by the fact that the appellant has a rental income of ₹42,600/- per month from a property at Gurgaon and ₹21,795/- from a flat in Rohini.
3. Grievance is that the EMI for return of the loan in sum of ₹21,795/- per month has been treated as the income from the flat at Rohini. As a matter of fact, the appellant resides in said flat. As regards the rental

income from the property at Gurgaon, learned counsel states that the property is in the name of the mother of the appellant. Previously the appellant was receiving the rent. The mother has since disowned the appellant.

4. We find that in the impugned order the learned Judge has simply noted the arguments of the respondent and the reason why maintenance in sum of ₹15,000/- per month has been awarded is that the appellant owns three properties.

5. As per the appellant he owns only two properties. One is in Rohini where he resides and the other is in Kotla Mubarakpur.

6. We find from the income tax returns filed by the appellant that before the matrimonial dispute arose he was showing a gross income of approximately ₹4 lakhs per annum which started dwindling when the matrimonial dispute surfaced.

7. There is one guiding star which guides us. The same is EMI paid in sum of ₹21,795/- per month for the return of the loan taken for purchasing the flat in Rohini. It shows the income of the appellant.

8. The conclusion arrived at by learned Family Court Judge is affirmed by us. The appeal is dismissed in limine.

9. No costs.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

MARCH 24, 2017

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