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

DECIDED ON : APRIL 20, 2017

+ **CRL.REV.P. 423/2016 & CRL.M.A.No.9466/16**

MEETU

..... Petitioner

Through : Mr.Vishwendra Verma, Advocate.

versus

SUNIL VERMA

..... Respondent

Through : Mr.S.P.Aggarwal, Advocate.

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

S.P.GARG, J. (ORAL)

1. By an order dated 19.03.2016 in Complaint Case No.93/2014 under Section 125 Cr.P.C., the respondent was directed to pay interim maintenance @ ₹3,000/- p.m. from the date of filing of the application i.e.21.12.2012; litigation expenses were assessed ₹11,000/-. Aggrieved by the said order, the present Revision petition has been preferred by the petitioner for its enhancement. The petition is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file. Dispute between the parties is over quantum of maintenance granted by the Trial Court. The petitioner's claim is that the respondent along with his father earns ₹10,00,000/- to ₹15,00,000/- p.m. Besides it, he has a four storey house in Tri Nagar; a DDA flat at Rohini, 250 sq.mt. plot at Narela and agricultural land measuring 20 acre in the NCR region. The respondent has flatly denied it. His plea is that he gets ₹5,000/- to ₹6,000/- p.m. from his father to defray his expenses. After considering the rival contentions of the parties, the Trial Court taking into consideration provisions of Minimum Wages Act, directed the respondent to pay ₹3,000/- p.m. as interim maintenance.

3. The impugned order cannot be faulted. There is nothing on record to show if the respondent is generating any specific income from any particular business/profession. No cogent document has emerged on record to infer if the respondent has his office as 'property dealer' and has specific income. Reliance on the 'visiting card' in the name of his father is of much consequential. Photocopy of the 'bayana receipt' (page 104) merely shows him a witness to the document. The petitioner has not placed on record any title/deed of any property showing the respondent to be owner of aforesaid properties. In the absence of any reliable document on record regarding respondent's income, the Trial Court did not commit any mistake to assess the income of the respondent on the basis of Minimum Wages Act and to award interim maintenance @ ₹3,000/- p.m. to the petitioner. The Contentions raised by the parties regarding income are to be considered on merits after the parties are given opportunities to lead their respective evidence to prove their conflicting versions.

4. In view of the above discussion, the Revision petition lacks in merits and is dismissed. Pending application stands disposed of.
5. Observations in the order shall have no impact on the merits of the case.

(S.P.GARG)
JUDGE

APRIL 20, 2017
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