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

+ **CRL.REV.P. 520/2016 & CrI.M.A.12298/2016 (Stay)**

AJAY GUPTA Petitioner

Through : Mr. Hitesh Bhardwaj, Adv. with
petitioner in person.

versus

RUCHI GUPTA Respondent

Through : Mr. D. D. Sharma and Mr. Subhash
Ahuja, Advs. with respondent in
person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **06.03.2017**

Aggrieved by the impugned order of the Family Court; whereby petitioner has been directed to pay interim-maintenance of ₹15,000/- to the respondent, petitioner has preferred this revision petition under Section 397 of the Cr.P.C.

Relationship of husband and wife between the petitioner and respondent is not in dispute. It is their second marriage. They were divorcees at the time of their marriage. One child was born from their wedlock, who is presently in the custody of petitioner.

Trial court has awarded ₹15,000/- per month to respondent as interim maintenance with effect from the date of application, that is, 5th August, 2013. Respondent had alleged in the petition that petitioner was having several immovable properties. He was getting rental income of ₹60,000/- per month.

Petitioner was running a medical shop in the name and style of M/s. Bhagwati Dawai Ghar, Shop No.4/71/1, Gali No.6, Main Idgah Road, Bhola Nath Nagar, Shahdara and was earning ₹40,000/- per month. She placed on record the visiting card of petitioner, according to which petitioner was running the shop with his brother. Petitioner has denied this. According to him, he was working as a salesman in the said medical shop owned by his brother and was getting salary of ₹7,000/- per month only. Petitioner claimed that he was having no house and had been living with his brother.

Petitioner has concealed the true facts. During the course of hearing he alleges that even the medical store has been closed. As per the visiting card, petitioner and his brother were the proprietors. Prima facie, it appears that petitioner has concealed his income. Trial court has rightly disbelieved the version of the petitioner that he had been working in the shop of his brother at a salary of ₹7,000/-. However, keeping in mind that petitioner is also maintaining the child; whereas respondent is living alone, interim maintenance is reduced to ₹10,000/- from ₹15,000/- per month.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MARCH 06, 2017/dk

