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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 116/2017

NARENDRA BHARDWAJ

..... Petitioner

Through Mr. Shashindra Tripathi, Advocate

versus

MAMTA BHARDWAJ

..... Respondent

Through None

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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30.01.2017

C.M. No.3687/2017

Exemption allowed subject to all just exceptions.

Applications disposed of.

CM(M) 116/2017

C.M. No.3686/2017

Petitioner is aggrieved by an order dated 02.11.2016 passed by the learned Family Court Judge wherein the maintenance @ Rs. 6,000/- in favour of the respondent wife and Rs. 6,000/- in favour of the minor son has been awarded by the learned Family Judge. Petitioner is aggrieved. His submission is that his wife is working and she is not entitled to any maintenance. To support this proposition he has drawn attention of this Court to an affidavit filed by the wife before the learned Family Court Judge wherein in her income details she has stated that she has no income except the present salary

meaning thereby respondent / wife is working. This appears to be the grievance of the petitioner. Perusal of the order impugned shows that no such submission has been noted by the learned Family Court Judge. A query has been put to the counsel for the petitioner as to where such an objection has been taken by him in the reply filed by him to application under section 24 of the HMA to which attention has been drawn; this Court notes that in the entire reply filed by the petitioner (before the learned Trial Court) there is not a whisper of the averment that his wife was in fact working. This being the only grievance of the petitioner and the Trial Court having considered the rival submissions of the parties noting the business acumen of the husband; the place from where the petitioner has been carrying on his business (in the heart of Delhi i.e. at Bhagirath Palace); the impugned order suffers from no infirmity. The order directing the maintenance to be paid by the petitioner from the date of filing of the application i.e. 27.07.2013 is an order passed by the Court based upon fair discretionary principles; this is especially so noting the nature of the litigation which is a matrimonial litigation and the purport and the object of the proceedings under Section 24 of the HMA is to grant interim relief to a financially weak estranged spouse who has no means to support her livelihood. The impugned order suffers from no infirmity.

Petition dismissed.

INDERMEET KAUR, J

JANUARY 30, 2017

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