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

+ CM(M) No.886/2017 & CM No.29617/2017 (for stay).

LK

..... Petitioner

Through: Mr. Akhilesh and Mr. Sunil
Choudhary, Advs.

Versus

P

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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21.08.2017

CM No.29618/2017 (for exemption).

1. Allowed, subject to just exceptions.

2. The application stands disposed of.

CM(M) No.886/2017 & CM No.29617/2017 (for stay).

3. This petition under Article 227 of the Constitution of India impugns the order (dated 13th April, 2017 in HMA Petition No.559481/2016 of Family Court (North), Rohini, Delhi) granting interim maintenance at the rate of Rs.7,500/- per month and litigation expenses to the tune of Rs.11,000/- to the respondent / wife.

4. The counsel for the petitioner husband has been heard.

5. The first argument of the counsel for the petitioner / husband is that the respondent / wife claimed to have adopted a child with the consent of the petitioner / husband but there was no such consent and the maintenance awarded of Rs.7,500/- per month to the respondent / wife for herself as well as for the maintenance of the minor child is bad for this reason.

6. However on enquiry, whether not even if the maintenance to be awarded to the respondent alone were to be considered, the amount of Rs.7,500/- per month is not excessive, the counsel for the petitioner / husband has been unable to controvert.

7. The next argument of the counsel for the petitioner / husband is that the respondent / wife is more educated than the petitioner / husband and according to the petitioner / husband, has been working in a beauty parlour and earning Rs.8,000/- per month.

8. The Family Court in the impugned order has reasoned that the said plea of the petitioner / husband, of the respondent / wife earning, cannot be accepted as the petitioner / husband, save of a bald averment has not placed anything on record to show that the respondent / wife was so working or earning any money.

9. Qua the income of the petitioner / husband, the Family Court has proceeded on the basis of regular deposits by cash and otherwise in the bank account of the petitioner / husband and on the basis thereof disbelieved the claim of the petitioner / husband of earning only Rs.3,500/- per month.

10. No ground for interfering, in exercise of powers under Article 227 of the Constitution of India, with the order of interim maintenance is made out.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 21, 2017

‘pp’..

CM(M) No.886/2017

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