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

+ CM(M) 1184/2017 & CM No.38376/2017

A Petitioner

Through: Petitioner in person.

versus

S Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **27.10.2017**

CM No.38376/2017

Allowed, subject to just exceptions.

CM(M) 1184/2017

1. The petitioner has challenged the order dated 24th May, 2016 whereby the learned Family Court has directed the petitioner to pay interim maintenance of Rs.3,000/- per month and litigation expenses of Rs.9,000/- to the respondent.
2. The petitioner present in Court submits that the marriage is a nullity as the respondent played fraud on him and therefore, he is not liable to pay any maintenance. He further submits that he is unemployed and has no source of income.
3. The Family court had assumed the income of the petitioner to be equivalent to the minimum wages of Rs.9,000/- to award interim maintenance of Rs.3,000/- per month. The view taken by the learned Family Court is fair and reasonable as admittedly the petitioner is not suffering from any incapacity or disability to earn.

4. During the course of hearing, it was put to the petitioner as to how he would maintain the respondent if she had been staying with the petitioner, to which the petitioner submits that, in that event, he would have earned to maintain the respondent. The answer given by the petitioner is not satisfactory.

5. There is no infirmity in the impugned order of the Family Court. This petition is therefore dismissed.

J.R. MIDHA, J.

OCTOBER 27, 2017

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