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IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : 22nd FEBRUARY, 2018

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CRL.REV.P. 52/2013

TEJAL SHARMA THROUGH NATURAL GUARDIAN SNEH
SHARMA Petitioner

Through : Mr.Uttam Kumar, Advocate with
Ms.Shaheen, Advocate along with petitioner in person.

versus

YOGESH SHARMA Respondent

Through : Ms.Amrita Chatterjee, Advocate along with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present revision petition has been filed by the petitioner to challenge the legality and correctness of an order dated 22.08.2012 of learned Judge, Family Courts, Saket whereby maintenance @ ₹4,000/- per month was granted from the date of filing the petition i.e. 07.06.2006 besides litigation expenses to the tune of ₹20,000/-. The petition is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file. The relationship between the parties is not at issue. The petitioner is the respondent's daughter and is presently staying with her mother. She is a student of 12th standard presently studying at Birla Vidya Niketan.

3. It is also not at dispute that both the parents are working and have independent sources of income. Apparently, both the parents have legal duty to contribute for the maintenance of their child.

4. By an order dated 09.05.2014, the respondent was directed to pay interim maintenance @ ₹9,000/- per month w.e.f. 01.05.2014. Previous arrears were also directed to be cleared. Subsequently, attempt was made to get the matter settled through Mediation Centre, however, it did not yield any fruitful result.

5. Order dated 15.12.2017 reflects that the respondent had agreed without prejudice to pay money for the education of his daughter (the petitioner). It was informed that the petitioner was attending coaching classes at Aakash Institute and additionally, was taking special tuitions for Physics and Chemistry courses. This Court directed that after verification of that aspect, the respondent shall pay all expenses of the petitioner towards her school fee, transport, coaching institute, special tuitions and other fees etc., as may be, directly to the institute / tutor concerned so that the child did not have to worry about expenses apropos her education. It was further directed that the amount already incurred shall be repaid to the petitioner's mother after submission of the bills and reconciliation of the accounts. Additionally, the respondent also offered to deposit maintenance @ ₹10,000/- per month into the bank account of his daughter to be opened in January, 2018. The respondent also agreed that he will pay additional pocket expenses and make special arrangements for festivals, directly to the petitioner. Furthermore, special pocket monies will be paid for the year-end holiday festivities beginning the month of December.

6. The controversy regarding the maintenance still continues despite the specific offer given by the respondent as recorded in the order dated 15.12.2017.

7. During the course of arguments, the petitioner's mother insisted for a lump-sum amount of ₹40,000/- per month which was objected to by the respondent.
8. On perusal of the record, it transpires that as per salary certificate for the month of November, 2017, gross salary of the respondent is about ₹1,50,726/-. After deductions, the net salary comes to Rs. 1,10,062/, however, all the deductions are not compulsory. The salary of the petitioner's mother is around ₹70,346/-. Various documents have been placed on record by the petitioner showing as to how much expenses are incurred by her to get education.
9. Considering all the facts and circumstances of the case, the income of both the parents of the petitioner and the expenses to be incurred by the petitioner in getting her education, comprehensive amount of ₹25,000/- in all, for the maintenance of the petitioner would serve the ends of justice. Of course, the respondent shall comply with the offer given by him as recorded in the order dated 15.12.2017.
10. From today, the respondent shall be liable to pay the consolidated amount of ₹25,000/- to the petitioner as 'maintenance' and shall not be liable to pay any other expenses of the child.
11. The arrears of the maintenance in terms of the previous orders shall be cleared within three months.
12. The revision petition stands disposed of in the above terms.

(S.P.GARG)
JUDGE

FEBRUARY 22, 2018 / tr