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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
DECIDED ON : MARCH, 23, 2018

+ **CRL.REV.P. 262/2018 & CrI.M.A.5501/2018**

CHANDAN SINGH

..... Petitioner

Through : Mr.Manish Makhija, Advocate.

versus

RAMO DEVI & ORS.

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present revision petition has been preferred by the petitioner to challenge the legality and correctness of an order dated 31.01.2018 whereby he was directed to pay ₹5,000/- to the respondent as maintenance in the proceedings under Section 125 Cr.P.C.

2. I have heard the learned counsel for the petitioner and have examined the file. The petitioner's mother is aged around more than 80 years. She has other sons, namely, Karan Singh, Virender Singh and Mahipal Singh. Behram Singh is her husband aged around 95 years. Impugned order records that the other sons, namely, Karan Singh, Virender Singh and Mahipal Singh have agreed to pay ₹3,000/-, ₹6,000/- and ₹4,000/- p.m. respectively to the respondent No.1 towards her maintenance.

3. The contention of the petitioner is that he has no sufficient income to pay ₹5,000/- to his mother/R-1. Respondent No.1 does not

require additional money as his other brothers have already agreed to pay ₹13,000/- in all to her.

4. I find no illegality or irregularity in the impugned order whereby the petitioner has been directed to pay ₹5,000/- towards the maintenance of his aged mother. The petitioner being respondent No.1's son can't shirk his responsibility and shift the whole responsibility upon other brothers to maintain his mother. It has come on record that the petitioner has sufficient income and the property is also on rent whereby rental income is being generated. The petitioner has attempted to claim that this property belongs to his wife and the rental income is being received by her. Admittedly, the petitioner's wife is not having any independent source of income to purchase the property in question. Merely because the property from which the rental income is being received is in the name of petitioner's wife, the petitioner's claim that he is having no independent source of income cannot be accepted. The petitioner has legal and moral duty to maintain his mother and is expected to generate income for that purpose.

5. Considering the facts and circumstances of the case, I find no sufficient reasons to interfere in the impugned order.

6. The revision petition is dismissed in limini. All pending application(s) also stand disposed of.

**S.P.GARG
(JUDGE)**

MARCH 23, 2018/sa