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

DECIDED ON : MARCH 23, 2018

+ **CRL.REV.P. 257/2018 & Crl.M.A.Nos.5423-24/2018**

ASHISH CHADHA

..... Petitioner

Through : Mr.Dilip Gupta with Mr.Ravi Yadav,
Advocates.

versus

MASTER AARAV CHADHA (MINOR) THR. HIS NATURAL
GURADIAN (MOTHER) NEXT FRIEND NOMITA CHADHA

..... 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 22.02.2018 whereby maintenance @ ₹25,000/- w.e.f. 2.1.2017 has been directed to be paid to the respondent, his minor son.

2. I have heard the learned counsel for the petitioner and have examined the file. Relationship between the petitioner and the respondent is not at dispute. It is also not in dispute that at present the respondent is in the custody of his mother and she is taking care of him; being aged around four years.

3. By the impugned order the petitioner has been directed to pay ₹25,000/-p.m. to the respondent towards his maintenance and school

expenses which cannot be termed unreasonable. The income of the petitioner as reflected in the salary slip of November, 2016 is ₹94,003/-. After deductions the net pay comes to ₹81,119/-.

4. Learned counsel for the petitioner urged that in the petition the respondent had claimed only an amount of ₹20,000/-p.m. and the trial court committed error to award more than what was claimed in the petition. This Court finds no merit in the submission. The said petition was filed in 2016 whereby maintenance @ ₹20,000/-p.m. was asked for. The impugned order has been passed after about two years thereafter. The trial court was competent and within its jurisdiction to award ₹25,000/-p.m., more than the one claimed by the respondent originally.

5. It is relevant to note that the impugned order is not final disposal of the application filed by the respondent seeking interim bail. Let the petitioner raise all these issues before the trial court at the time of consideration of the application for interim bail. If any excess payment is made, the said payment shall be adjusted accordingly.

6. The revision petition is dismissed with liberty to the petitioner to raise all these issues before the trial court at the time of final disposal of the interim bail application.

7. All pending application(s) also stand disposed of.

8. Observations in the order shall have no impact on the merits of the case.

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

MARCH 23, 2018/sa