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

+ CRL.M.C. 4351/2016 and CrI.M.A.18172/2016, 3564/2017

LT CDR TAPOBRATA DUTTA

..... Petitioner

Through: Mr. Amit Sharma, Advocate with
Ms. Pallavi Langar, Adv.

versus

SHARFMILA DUTTA

..... Respondent

Through: Mr. Manish Raghav, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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16.08.2018

The present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) has been brought to question the correctness, legality and propriety of the order dated 12.02.2016 of the Metropolitan Magistrate passed in criminal case (No.1921/3/15), and order dated 02.09.2016 of the court of Sessions passed in criminal appeal (No.24/2016), whereby, on the petition of the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005, as an interim measure, maintenance allowance in favour of the respondent has been fixed at Rs.27,000/- per months, besides Rs.8,000/- per month as maintenance for the minor daughter of the parties, this having been made effective from 02.06.2015, the date of filing of the said petition, the petitioner (husband) having been burdened with the liability to pay the same.

The petitioner is a serving officer of Indian Navy. He was holding the post of Lt. Commander on the relevant date. The parties herein were

married to each other but the said marriage has run into rough weather leading to the respondent/wife filing the above mentioned petition alleging domestic violence.

The petitioner has relied upon, *inter alia*, the salary slip issued by the Naval Pay Office at Mumbai and the income tax returns (ITRs) for the relevant period, ending with one submitted for assessment year 2016-2017.

The learned counsel for the respondent/wife, at the hearing, fairly conceded that having regard to the ITRs, presently, without prejudice to the rights of the respondent to claim higher amount of maintenance for herself and for the minor child of the parties, this subject to better proof of income of the petitioner being brought on record in due course, the interim maintenance allowance in favour of the respondent/wife may be reduced to Rs.17,000/- per month, this in addition to Rs.8,000/- per month already fixed as maintenance in favour of the minor child of the parties.

Ordered accordingly.

The interim maintenance allowance shall stand modified in above terms. This is, however, without prejudice to the rights of the respondent/wife to prove the claim for higher maintenance for herself and the daughter.

The petition and the applications filed therewith stand disposed of with these directions.

R.K.GAUBA, J.

AUGUST 16, 2018

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