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

+ CRL.REV.P. 116/2019, CRL.M.As. 1859-1860/2019

ADARSH KUMAR SHARMA Petitioner

Through: Mr. L.K. Dixit and Mr. R.P. Singh,
Advocates

versus

NIDHI SHARMA & ORS.Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

28.01.2019

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Vide impugned order of 17th December, 2018 petitioner has been directed to pay interim maintenance of ₹7,000/- per month to each of the respondents in proceedings under Section 125 Cr.P.C. The challenge to the impugned order is on the ground that petitioner is a pensioner and is getting pension of ₹14,000/- per month and is unable to pay the interim maintenance of ₹7,000/- each to respondents.

Trial Court in the impugned order has concluded as under:-

“Besides the pension amount of ₹14,000/- per month, it is to be presumed that the income of the respondent/husband should be assessed on the basis of minimum wages applicable for a Graduate on the date of filing of the application on 13th February, 2018 which is ₹13,728/-.

So combining the pension amount plus minimum wages income the amount comes to ₹27,728/- (rounded off to ₹28,000/-). This income is divided in 4 units. Out of which 2 units is reserved for

the respondent/husband being bread earner and 1 unit each is awarded to the petitioner/wife and minor daughter as interim maintenance from the date of filing of the application till disposal of the case."

Upon hearing and on perusal of impugned order, I find no palpable error in the impugned order.

This petition and the application are accordingly dismissed, while not commenting on the merits of the case.

(SUNIL GAUR)
JUDGE

JANUARY 28, 2019
p'ma