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

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Judgment delivered on: 18.02.2019

+ CRL.REV.P. 182/2019 & CrI.M.A.3569-3570/2019

SHAHID KHAN

..... Petitioner

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.Nasimuddin, Advocate.

For the Respondent: Ms.Meenakshi Dahiya, APP.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 20.12.2018 whereby the Trial Court has fixed the maintenance of Rs.9000/- per month from the date of filing of the petition.

2. Learned counsel for petitioner submits that the petitioner is earning about Rs.28,000/- and after statutory deductions, his take home salary is Rs.27,000/- per month. It is contended that petitioner has a dependant mother and a younger brother and is also required to spend about Rs.6,000/- per month towards conveyance which has not been taken by the Trial Court. He submits that an ad interim

maintenance of Rs.8000/- per month was fixed and petitioner is continuing to pay the same.

3. As per the petitioner the interim maintenance was fixed at Rs.8000/- per month which has now been increased to Rs.9000/- per month by the Trial Court after appreciation of evidence and the documents filed by the parties.

4. Perusal of the written statement as well as the income affidavit of the petitioner filed before the trial court, does not show that petitioner has taken the plea that he has a dependant mother or a younger brother nor has the expenditure of Rs.6,000/- per month stated to be the expenditure for metro transport from place of work to home is reflected as has been argued.

5. The Trial Court has duly taken into account the income and expenditure affidavits filed by the parties, their evidence and also the salary slip of the petitioner. Trial Court has taken into account the dependency factor on the petitioner and accepted the take home income of the petitioner as Rs. 27,000/- and accordingly assessed the maintenance at Rs.9,000/- per month.

6. Learned counsel for the petitioner has not been able to point to any material which has been overlooked by the Trial Court or to any infirmity in the impugned order. Petitioner had admittedly been paying a sum of Rs.8000/- per month and the increment after the

impugned order is only of Rs.1000/- per month.

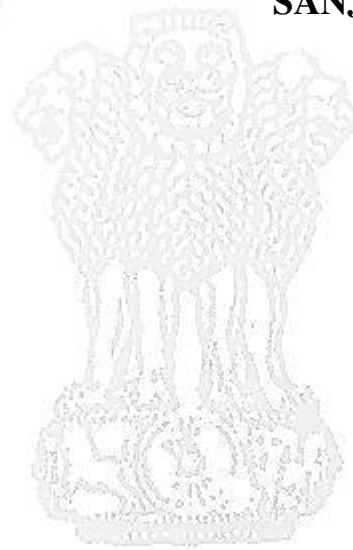
7. On perusal of the record, I am satisfied that there is no infirmity in the view taken by the Trial Court in the assessment of maintenance.

8. In view of the above, I find no merit in the petition. Petition is accordingly dismissed.

FEBRUARY 18, 2019

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SANJEEV SACHDEVA, J



नस्यमेव जयते