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

+ CRL.REV.P. 531/2019

SACHIN GUPTA

..... Petitioner

Through: Mr.S.P. Singh, Adv.

versus

SAKSHI @ SUMANL

..... Respondent

Through: Ms.Charu Ambwani, Adv. with
Ms.Srishti Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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23.10.2019

Vide the present petition, the petitioner seeks direction thereby to set aside the impugned order/judgement dated 19.11.2018 passed by learned Judge, Family Court, Karkardooma Courts, Delhi whereby an application for interim maintenance was filed U/s 125 Cr.P.C ; Maintenance Petition i.e. CC no. 107/2017.

Case of the petitioner is that marriage between the petitioner and respondent was solemnized on 20.02.2015 and there is no issue born from the said wedlock. The petitioner is residing separately from his mother since 18.03.2015 as the mother of the petitioner expelled him from the house vide publication dated 03.05.2015 into the newspaper. Further he was compelled by his wife to live separately from his mother and sister and presently he is residing at H-55,Peer Baba Road, Shivram Park, Nangloi, Delhi-110041 alone.

The present petition is filed on the ground that since the petitioner is

working in a footwear shop and is earning an amount of Rs.7,000/- p.m therefore, the interim maintenance awarded by the Trial Court of Rs.6,000/- is beyond his capacity.

This court asked specific query from the petitioner who is present in person in the court that minimum wages in Delhi is around Rs.13,350/- p.m then how he is working on Rs.7,000 p.m.

He submits that he is getting more but since he has taken an advance from the owner of the shop, therefore he only gets Rs.7,000/- p.m as he has still not been able to pay the outstanding amount.

The court further put a specific query to the petitioner that at the time of marriage dated 21.02.2015, he was earning Rs.6,000 p.m. and thereafter this amount is increased to Rs.7,000/- p.m. only till date which is not believable at all for the reason that minimum wages in Delhi is around Rs.13,350/- p.m. There is no answer to this query and if any establishment is paying salary less than the minimum wages then it will be liable for prosecution.

Accordingly, I find no illegality and perversity in the order passed by the court below.

Finding no merit in the present petition, the same is accordingly dismissed.

At this stage, petitioner has handed over a DD for an amount of ₹39,000/- to the respondent who is personally present in court which she has accepted.

SURESH KUMAR KAIT, J

OCTOBER 23, 2019/ab