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

+ **CRL.REV.P. 665/2019 & CrI.M.As.12041-44/2019**

LALIT SHARMA Petitioner

Through **Mr. Sanjay Upadhyay, Adv.**

versus

SMT. NIRUPMA @ NITU SHARMA Respondent

Through

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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03.09.2019

1. Learned counsel for the petitioner submitted that the respondent has concealed her income and also has not disclosed about the payment of Rs.6 lacs to her as well as about the house which has been transferred to her. However, the learned counsel for the petitioner, after some arguments, submitted that he may be allowed to withdraw the revision petition in case this Court directs the Trial Court to take into consideration the aforesaid factors while deciding about the final maintenance amount under Section 125 of the Code of Criminal Procedure, 1973 and in case the respondent is found eligible for lesser amount of maintenance, the excess amount shall be adjusted from the final maintenance, if any. Certainly, whatever evidence is led and the documents are proved as per law, the Trial Court is bound to take that evidence and documents into consideration while pronouncing the judgment in this regard and in case, the respondent is held to be

entitled for lesser maintenance, the petitioner is entitled for the adjustment of the same from the final maintenance amount.

2. In view of the above, the revision petition is dismissed as withdrawn. Pending applications are also dismissed as withdrawn.

CHANDER SHEKHAR, J

SEPTEMBER 03, 2019/rk