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

**Date of Decision: 09.12.2019**

+ **CRL.REV.P. 90/2016 and Crl.M.A. 2029/2016**

**IN THE MATTER OF:**

JITENDER BHARDWAJ

..... Petitioner

Through: Ms. Kajal Bhatia, Adv.

Versus

ANITA & ANR.

..... Respondents

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**MANOJ KUMAR OHRI, J (ORAL)**

1. The present revision petition has been filed on behalf of the petitioner, assailing the order dated 28.11.2015 passed by the Family Court in MT Case No. 86/2015 titled Anita Vs. Jitender Bhardwaj.

2. The present petition is pending since the year 2016 and although notice was issued on 21.07.2016, however, the respondents could not be served as despite the numerous opportunities granted, the process fee was not filed by the petitioner.

3. I have heard learned counsel for the petitioner and have gone through the case records.

4. The Family Court, vide impugned order, has granted interim maintenance of Rs.5250/- per month to respondent no.1/wife and her minor child i.e., respondent no. 2 from the date of filing of the application till disposal of the main petition filed under Section 125 Cr.P.C. The Family Court has noted that the only ground urged by the petitioner/husband in his income affidavit filed before it was that the petitioner/husband was residing in a temple and working as a Priest/Astrologer. It further noted the contention of the counsel for the petitioner/husband that the petitioner/husband was an agriculturist and occasionally comes to Delhi during the wedding season to earn Rs.250/- per day. The Family Court also noted that the income affidavit filed by the petitioner/husband did not inspire confidence as no income was shown and it was stated that the entire produce from the agriculture was consumed in the home. The Family Court further noted that there was no whisper or explanation as to source of money spent on residence, clothing, medicare and even mobile phone which were reflected in the income affidavit of the petitioner/husband.

5. Prima facie it appears that the petitioner has not approached the Family Court with clean hands and has suppressed his real income. In view of the above discussions, I find no ground to interfere in the impugned order, Accordingly, the present criminal revision petition is dismissed. Miscellaneous application is disposed of as infructuous.

6. However, it is clarified that in case at the time of disposal of the maintenance petition, the Family Court comes to the conclusion that the respondents are entitled for lesser or higher maintenance, the Family Court would be at liberty to grant adjustment of the arrears either way.

**MANOJ KUMAR OHRI  
(JUDGE)**

**DECEMBER 09, 2019**

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