

\$~2

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

+ **CRL.REV.P. 1233/2019**

MR. ZARIF

..... Petitioner

Through Mr.Prashant Mehta, Adv. with
Ms.Divita Vyas, Adv.

versus

SMT. SHAHANA & ANR.

..... Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

%

09.12.2019

Crl.M.A. 41156/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

CRL.REV.P. 1233/2019 & Crl.M.A. 41157/2019

Vide the present petition, the petitioner seeks direction thereby to set aside the judgment and order dated 21.09.2019 passed by Principal Judge, Family Court, Shahdara, Delhi in C.C. No.466/16, whereby the learned Judge has awarded maintenance to the tune of Rs.7,200/- in favour of the wife and minor son (Rs.3,600/- p.m. each).

The case of the petitioner is that the petitioner is earning only ₹9,000/- per month and is maintaining two daughters and his old mother.

Counsel for the petitioner has relied upon a case of *Kulbhushan Kumar vs. Raj Kumari & Ors.: AIR 1970 SC 234* whereby the Hon'ble

Supreme Court has held that “25% of the husband’s net salary would be just and proper to be awarded as maintenance to the wife and 15% of the net salary to the daughter as maintenance.”

As per the case of the petitioner, the petitioner repairs set of boxes, thus, he is a skilled person and even minimum wage as on date in Delhi is ₹18,000/-. Thus, granting of maintenance to the tune of ₹3,600/- each in favour of the wife and son is not on higher side, therefore, I find no ground to interfere with the impugned order.

The petition is, accordingly, dismissed.

SURESH KUMAR KAIT, J

DECEMBER 09, 2019

ab