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

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Judgment delivered on: 27.02.2019

+ CRL.REV.P. 227/2016 & CrI. M. A. 4752/2016, 17980/2016  
& 8131/2017

ASHAN KUMAR DHUNNA

..... Petitioner

versus

MEENU & ANR

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Nitesh Rana, Adv.

For the Respondent : Mr. M.K. Sharma, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner impugns judgment dated 30.01.2016 whereby the petition filed by the respondent under Section 125 Cr. P.C. has been allowed and maintenance @ Rs. 40,000/- per month has been fixed.

2. Learned counsel for the petitioner submits that the trial court has erred in fixing the maintenance at Rs. 40,000/- and the same is on a higher side. He further submits that the respondent is highly qualified and was earlier working and as such she was disentitled to receive maintenance.

3. Learned counsel appearing for the respondent-wife submits that though the maintenance was assessed on a conservative side, the respondent has not filed any petition seeking enhancement of maintenance.

4. Learned counsel for the respondent submits that the respondent even from the very inception of marriage has never worked and she does not have any work experience. It is submitted that she has no other income source.

5. Further, learned counsel for the respondent submits that the defence of the petitioner was struck off as the petitioner has not complied the order granting interim maintenance.

6. Parties were married on 30.06.2006 and were separated on 09.12.2006. As per the respondent, she had to leave the matrimonial house because she was treated with cruelty; both physical and mental and there were several false allegations levelled against her.

7. Petitioner was earlier employed in Dubai. The trial court has noticed in the impugned order, the statement of petitioner (respondent before the trial court) that in the year 2015 he was working as Territory Manager with US Company and drawing a salary of Rs. 1,25,000/- with effect from April, 2015 and prior to that his salary was Rs. 80,000/- per month. Besides salary, he also got sales commission ranging to Rs. 50,000/- to Rs. 80,000/- on quarterly basis.

8. Trial court, however noticed that the contract of employment of the petitioner dated 23.08.2010 and the Annexure thereto. The trial court, based on documents has assessed that the annual income of the petitioner in the year 2010 was Rs. 29,25,900/- i.e. Rs. 2,43,825/- per month.

9. Trial court thereafter noticed that the Employment Agreement dated 01.01.2015 with the US Company referred to above and the Annexure thereto, showed the monthly salary before tax as Rs. 2,47,430/-. Salary slips for the year 2014 and 2015 of the petitioner as noticed by the trial court showed an annual income of Rs. 82,57,887/- in the year 2014 and Rs. 38,54,807/- in the year 2015. Trial court has accordingly assessed the monthly income of the petitioner in excess of Rs. 3 lakhs for the year 2010 and for the year 2013 and 2014 as Rs. 4,45,000/- to Rs. 6,88,157/- respectively before tax.

10. Based on the evidence before the trial court, the trial court assessed the income of the petitioner to be not less than Rs. 3 lakhs per month. Trial court also noticed that the petitioner has filed an application under Section 125 Cr. P.C. seeking modification of the interim order on the ground that his services have been terminated from the US Company and he had no source of income.

11. The trial court has rejected the application based on the testimony of PW3 and Ex. PW3/E being the resignation letter which showed that his services were never terminated and he was never out

of employment.

12. The trial court has passed a well-reasoned order and correctly assessed the income of the petitioner based on the evidence which has been produced before the trial court and thereafter passed an order assessing the evidence and granting maintenance of Rs. 40,000/- per month to be paid from the date of filing of petition seeking maintenance.

13. On perusal of the record, I find that there is no infirmity in the order passed by the trial court and the consequential fixation of maintenance @ Rs. 40,000/- per month.

14. In view of the above, I find no merits in the petition filed by the petitioner. The petition is accordingly dismissed. There shall be no order as to costs.

15. Order *Dasti* under signatures of Court Master.

**FEBRUARY 27, 2019**  
**'rs'**

**SANJEEV SACHDEVA, J**