

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: January 10, 2019

+ **CRL.M.C. 1041/2017**

RAKESH KUMARPetitioner
Through: Mr. K.B.B. Singh, Advocate

Versus

KIRAN VERMARespondent
Through: Mr. Rohit Sharma, Advocate with
respondent in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In proceedings under the Protection of Women from Domestic Violence Act, 2005 (*hereinafter referred to as DV Act*), the court below has directed petitioner to pay interim maintenance of ₹25,000/- per month to respondent.
2. The challenge to impugned judgment of 22nd November, 2016 and order of 6th August, 2016 by petitioner's counsel is on the ground that as per the income tax return, the income of ₹28,200/- from other sources, is the annual income of petitioner and not the monthly income. It is submitted that the court below has erred in assessing petitioner's income at ₹50,000/- and it ought to be assessed at ₹25,000/-.
3. Upon hearing, and on perusal of impugned order, I find that the aforesaid plea taken by petitioner is not substantiated. It needs no reiteration that income disclosed in the income tax returns is not a conclusive proof of the actual income earned by a person. Otherwise also,

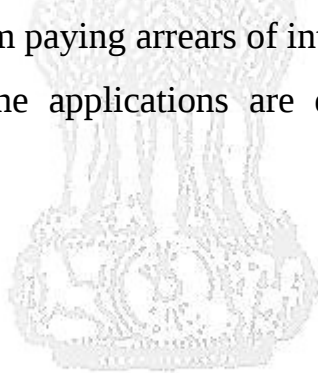
petitioner is a Lawyer by profession, who is post-graduate in Law and an experienced person. Petitioner is morally and legally bound to support his wife and minor children, who are teenagers.

4. During the course of hearing, petitioner's counsel has informed that petitioner is already paying interim maintenance of ₹25,000/- to respondent but still respondent is insisting upon the arrears of interim maintenance.

5. Learned counsel for respondent on instructions submits that respondent is ready to forego the arrears of maintenance, provided petitioner pays the interim maintenance of ₹25,000/- per month regularly.

6. In light of the aforesaid impugned orders are maintained, while relieving the petitioner from paying arrears of interim maintenance.

7. This petition and the applications are disposed of in aforesaid terms.



(SUNIL GAUR)
JUDGE

JANUARY 10, 2019

v

सत्यमेव जयते