

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

Date of Order: January 14, 2019

+ **CRL.M.C. 4542/2017**

SUNITA & ANR.

.....Petitioners

Through: Mr. Tanmay Mehta, Advocate

Versus

BRIJENDER SINGH DESHWAL

.....Respondent

Through: Mr. Vikram Singh Panwar,
Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Impugned order of 12th September, 2017 directs petitioner to place on record the income tax returns and bank statements of her brother and sister, as the case of petitioner before the trial court was that petitioner is being maintained by them.

Learned counsel for petitioner relies upon Supreme Court's decision in *Manish Jain vs. Akanksha Jain* AIR 2017 SC 1640 to submit that the financial position of the relatives of the wife is not required to be taken into consideration.

Learned counsel for respondent submits that maintenance of ₹5,200/- has been already fixed in proceedings under *The Protection of Women from Domestic Violence Act, 2005* (hereinafter referred to as 'DV Act') and this fact has not been disclosed by petitioner.

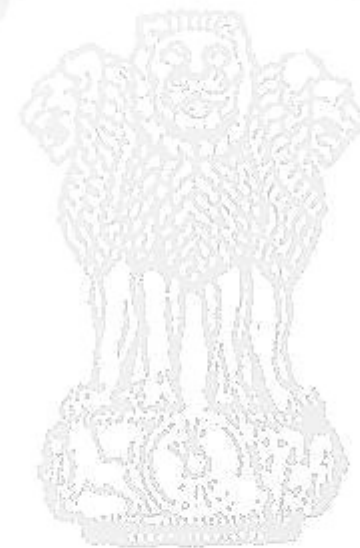
Upon hearing and on perusal of the impugned order and the decision in *Manish Jain (Supra)*, I find that respondent, once the quantum of maintenance is determined in proceedings under Section 125 of Cr.P.C then set off can be claimed. In light of Supreme Court's decision in *Manish Jain (Supra)*, the impugned order directing petitioner to file copy of ITRs and Bank Statements of the brother and sister cannot be sustained and is accordingly set aside.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 14, 2019

v



सत्यमेव जयते