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

+ **CRL.REV.P. 1268/2019**

SH. SANJEET SADH

..... Petitioner

Through: **Mr Ricky Chopra and Ms Aditi Sahni,**
Advocates.

versus

SMT. NITI SADH

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.02.2020

CRL.M.A. Nos. 41938/2019 & 41939/2019

1. Exemptions are allowed, subject to all just exceptions
2. The application stands disposed of.

CRL.REV.P. 1268/2019 and CRL.M.A. 41937/2019

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 30.10.2019 passed by the learned Family Court, whereby the learned Court had directed the petitioner to pay maintenance at the rate of ₹15,000/- per month and litigation expenses of ₹10,000/- to the respondent, on an interim basis.
4. The learned counsel appearing for the petitioner states that the petitioner is practically a destitute person, who is only earning ₹1,000/- per month and is struggling to meet his expenditure. According to the petitioner, he cannot pay the interim maintenance as directed by the Family Court.

5. The Trial Court had noted that at the time of the wedding of the petitioner and the respondent, which was solemnised on 21.01.2018, it was represented that the respondent was earning a sum of ₹3,00,000/- to ₹4,00,000/- per month. The respondent had also stated that it was represented by the petitioner and his family that they were established cloth merchants and were well to do.

6. The learned counsel appearing for the petitioner submits that although at the time of the wedding, the petitioner was carrying on the business of exporting garments under the name and style of M/s Tarakki Exports; however, the said business has since collapsed. He also relied upon the GST returns of M/s Tarakki Exports which indicate that it had nil taxable turnover.

7. The petitioner's wedding ceremony was performed at a venue (Palm Green Resorts, Delhi) used by the affluent. Although the petitioner claims that he is not earning any amount, no material has been produced to indicate the income of his other immediate family members. This Court also finds it difficult to accept that within a span of less than two years, the petitioner has been reduced to a state of penury. There is also no dispute that the family members of the petitioner are engaged in the business of garments, which is the same business as was being carried out under the name and style of M/s Tarakki Exports. Thus, it would not be difficult for the petitioner and his family members to transfer the business from one concern to another

8. Considering the above, this Court is of the view that the petitioner has been less than candid in his disclosure. His claim that he is only earning

₹1,000/- per month cannot be readily accepted.

9. In view of the above, this Court finds no reason to interfere with the impugned order.

10. However, it would be open for the petitioner to place the requisite material before the concerned Family Court to establish his income and assets. It would also be necessary for the petitioner to also place the credible evidence to establish the income to his immediate family members.

11. The petition is disposed of with the aforesaid observations. The application is also disposed of.

FEBRUARY 12, 2020
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VIBHU BAKHRU, J