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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 128/2019 and CRL.M.A. 2292/2019**

HEMANT KUMAR

..... Petitioner

Through: Mr Lalit Kumar, Mr Aditya Kumar
and Mr Lal Bahadur Sahu, Advocates.

versus

KIRAN @ DEVKI

..... Respondent

Through: Mr S.S. Rajore, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.01.2020

1. The petitioner has filed the present petition impugning an order dated 05.01.2019 whereby the petitioner was directed to pay a sum of ₹8,000/- per month as interim maintenance from the date of filing of the application till disposal of the case. This Court is informed that the said application was filed on 13.09.2018.
2. The present petition was listed before this Court on 01.02.2019 and on that date, the impugned order passed, which was directed to be stayed subject to the petitioner depositing 50% of the awarded amount. In other words, the petitioner was required to pay a sum of ₹4,000/- per month from the date of the application (that is, from 13.09.2018) till disposal of the matter before the concerned Court.
3. The learned counsel for the petitioner submits that the petitioner is unemployed and is not earning any income. He further states that the petitioner does not have a graduate degree and does not have the propensity to earn much income. He has been paying maintenance by borrowing from his father. He contends that the Family Court had erred in not considering

that the respondent had joined the petitioner in her matrimonial home for only sixteen days after her marriage with him.

4. After some arguments, the learned counsel for the petitioner agrees that the petitioner would be satisfied if the interim maintenance awarded by the impugned order is scaled down to ₹4,000/-, instead of ₹8,000/-.

5. The respondent is present in Court and is agreeable to the same. This is on the premise that the petitioner is unemployed and currently does not have any income.

6. In view of the consensus between the parties, the impugned order is modified to the limited extent that the interim maintenance of ₹8,000/- per month is reduced to ₹4,000/-. It is clarified that the petitioner would pay the amount of the maintenance from the date of the application (that is, from 13.09.2018) till disposal of the matter before the Family Court.

7. It is also clarified that the said order has been passed in view of the petitioner's assertion that the petitioner is currently unemployed and is not earning any income. If the respondent is able to ascertain any information to contest the aforesaid assertion, it would be open for the respondent to apply for revision of the interim maintenance of ₹4,000/- per month, as directed.

8. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

VIBHU BAKHRU, J

JANUARY 29, 2020/RK