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

+ **CRL.REV.P. 185/2020**

MANOJ KUMAR

..... Petitioner

Through: Mr Mahesh Verma, Advocate.

versus

SANJU

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.02.2020

CRL.M.A. 4477/2020

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.REV.P. 185/2020 and CRL.M.A. 4478/2020

3. The petitioner has filed the present petition impugning a judgment dated 29.07.2019 passed by the learned ASJ, rejecting the petitioner's appeal against an order dated 27.09.2017 passed by the learned MM (Mahila Court) in CC No. 5006853/2016 captioned "*Sanju v. Manoj Kumar and Anr.*" By the said *ex parte* order dated 27.09.2017 passed by the learned MM, the petitioner was directed to pay maintenance of ₹5,000 per month from the date of the application, that is, 17.12.2016 till her re-marriage and ₹1,500/- per month to each of the minor children from the date of the application till they attain the age of majority.

4. The petitioner was further directed to pay a sum of ₹2,000/- per month to the respondent towards rental accommodation. The petitioner was also given an option to provide a suitable accommodation in the alternative.

5. Aggrieved by the said order, the petitioner preferred an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005. The petitioner contended that although the learned MM had accepted that his monthly income was ₹15,000/-, there was no material to establish the same. According to the petitioner, he was not earning as he was suffering from a physical disability. It is the case of the respondent that although the petitioner is physically disabled but he is skilled at hand pressing and is earning atleast ₹15,000/- per month.

6. The learned ASJ examined the aforesaid contention and found that the petitioner's contention that he was not earning any money, did not appear to be correct as he had been incurring expenses. Considering the circumstances, the learned ASJ directed the petitioner to pay maintenance of ₹5,000/- per month from the date of the application till the respondent's re-marriage and further specified that the same would also include the amount towards the rental accommodation. The order directing payment of ₹1,500/- per month to each of the minor children was also sustained. However, the Court specified that the said amount is payable only for the period from the date of the application (that is 17.12.2016) till July, 2018.

7. This Court finds no manifest error with the aforesaid decision. Although there may be merit in the petitioner's contention that the respondent had not established that the respondent is earning ₹15,000/- per month but it is also evident that the petitioner, had not disclosed his true income. Considering that the petitioner is skilled, the learned MM as well as the learned ASJ accepted the contention that the petitioner is earning at least ₹15,000/- per month. The amount awarded is minimal and therefore, this

Court finds no reason to interfere with the impugned order.

8. The petition is, accordingly, dismissed.

FEBRUARY 28, 2020
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VIBHU BAKHRU, J