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

+ **CRL.REV.P. 683/2019**

HIMANSHU DUREJA Petitioner

Through: Mr Aman Chawla, Advocate.

versus

MEGHA MEHRA Respondent

Through: Mr Hitendra Nath and Mr Raj Kumar
Tuli, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.02.2020**

CRL.M.A. 3218/2020

1. This is an application for early hearing.
2. For the reasons stated in the application, the same is allowed and with the consent of the parties, the petition is taken up for final hearing.
3. The application is disposed of.

CRL.REV.P. 683/2019 & CRL.M.A. 3219/2020

4. The petitioner has filed the present petition, *inter alia*, impugning an order dated 30.03.2019, whereby the petitioner was directed to pay monthly maintenance of ₹40,000/- per month to the respondent.
5. It is the petitioner's case that he is only earning ₹15,000 to 18,000/- per month and has no other business. This was seriously contested by the respondent. She had stated that the petitioner was the owner and carrying his business under the name and style of M/s Growell Engineers, Manufacturers

& Suppliers and the petitioner was earning an income of ₹20 lakh per month. She has also stated that the factory of M/s Growell Engineers, Manufacture & Suppliers is situated at B-106, Panchal Estate, Sai Sneha Industrial Estate, Bhayander, Mumbai and its office was located at A/101, Sai Baba Nagar, Mira Road, Mumbai.

6. The learned counsel appearing for the petitioner states that M/s Growell Engineers, Manufacture & Suppliers belongs to his mother and he has no role in this concern.

7. The said contention cannot be readily accepted as no details of M/s Growell Engineers, Manufacture & Suppliers have been produced. The petitioner has not produced its bank account or any other document to establish the same. However, the petitioner has produced a statement of his bank account (being account no.03921900017116 with DCB Bank). The said bank account indicates that it was opened on 28.12.2016 by depositing a sum of ₹25,000/-. The said account has been inoperative since and the only withdrawal apart from bank charges is a sum of ₹20,000/- to M/s Growell Engineers, Manufacture & Suppliers.

8. In view of the above, the Court concurs with the *prima facie* view of the learned Family Court that the petitioner has been less than candid in disclosing his income.

9. The learned counsel for the petitioner further submits that the petitioner has been bed ridden as he is suffering from liquefactive necrosis. Admittedly, no such contention had been advanced before the learned Family Court. Interestingly, one medical certificate of the petitioner placed on record that indicates that he is suffering from fibrosing dermatitis.

10. There is a serious doubt as to the correctness of the income disclosed

by the petitioner before the Family Court and therefore, this Court does not consider it apposite to interfere with the interim order passed by the learned Family Court.

11. The petitioner is at liberty to produce all relevant documents including the bank accounts of M M/s Growell Engineers, Manufacture & Suppliers and a certificate from the bank to establish that the petitioner has never operated the said accounts, in addition to other material to establish his true income and the income of his immediate family members, before the learned family court and seek appropriate orders.

12. The petition is, accordingly, dismissed.

13. The hearing scheduled on 22.09.2020 is cancelled.

14. Order *dasti*.

VIBHU BAKHRU, J

FEBRUARY 12, 2020
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