

\$~35

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

+ **CRL.REV.P. 1228/2019**

AMIR NAIM

..... Petitioner

Through Mr Prachi Mishra, Mr Sareyan Das,
Advocates.

versus

HUNYLA MALIK & ANR.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

28.01.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 17.09.2019 passed by the learned Principal Judge, Family Court, South East District in Case No. M-58/2018 captioned '*Mrs Hunyla Malik & Anr. v. Mr Amir Naim*'.
2. By the impugned order dated 17.09.2019, the learned Family Court has, *inter alia*, directed the petitioner to pay an interim maintenance of ₹15,000/- per month from the date of filing the petition (M-58/2018). The petitioner was further directed to clear the arrears within two months in two equal monthly instalments. The learned counsel appearing for the petitioner states that the said order was passed without considering any relevant material. He states that the petitioner is unemployed and is not earning any income and therefore, would be unable to pay the said amount.
3. A plain reading of the impugned order indicates that the petitioner

was given an opportunity to produce its income statements and file an affidavit, however, he had not done so. The order also indicates that the petitioner was earning US\$2000 per month, while he was working in Ghana. Although, the learned counsel appearing for the petitioner had stated that the said amount is not correct; he had conceded that the petitioner was earning approximately US\$1500 per month. The petitioner has not provided any details of his income while he was working in Ghana in this petition as well. He has merely stated that he is currently unemployed and is not earning any income.

4. The petitioner is a qualified engineer (B.Tech) and has acquired additional qualifications in management (MBA), as well. This Court finds it difficult to believe that a person having such qualifications would not be able to earn a minimum amount to support his child. It is also seen from the record that the petitioner and respondent are embattled in a dispute regarding the custody of their child, who is currently in custody of respondent and she has been paying the child's school fees and other expenses. In the circumstances, an amount of ₹15,000/- per month does not appear to be unreasonable by any stretch of imagination.

5. In view of the above, this Court finds no reason to interfere with the impugned order. However, it will be open for the petitioner to file an appropriate application before the Trial Court by producing all relevant material including the details of the assets owned by him and his family; his income statements for the last five years; and his current state for seeking modification of the impugned order. However, it is clarified that in the meanwhile, the impugned order would be complied with.

6. Needless to state that if any application is made, the Trial Court shall

consider the same on merits.

7. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

JANUARY 28, 2020

pkv