

AASHISH ALIAS NARESH
v/s

... Petitioner

VIJAY LAKSHMI

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Rosi, Advocate for the petitioner.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

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VIVEK PURI, J. (ORAL)

The petitioner has assailed the order dated 01.02.2022 passed by the Court of learned Principal Judge, Family Court, Nuh vide which interim maintenance @ Rs.4000/- p.m. has been awarded to the respondent.

Learned counsel for the petitioner states that the petitioner has no source of income and is unable to pay the amount of Rs.4000/-.

On a query by the Court as to whether the petitioner is an able-bodied person, learned counsel for the petitioner has fairly submitted that the petitioner is an able-bodied person. It is significant to note that in the reply, Annexure P-2, the petitioner has even denied the fact that he is an able-bodied person and earning more than Rs.30,000/- p.m. In such circumstances, it appears that the petitioner has even gone to the extent of raising false plea with regard to his physical fitness with an ulterior motive to defeat the claim of the respondent for maintenance. Even the reply is absolutely silent with regard to avocation in which the petitioner is engaged and any income which he may be deriving. The petitioner, being an able-

bodied person, has a responsibility and liability to maintain his wife. It has also not been disputed that no child is born from the wedlock. In such circumstances, the amount of interim maintenance, as awarded, to the tune of Rs.4000/- p.m. cannot be said to be exorbitant or not commensurate with the status or income of the petitioner. As such, the claim of the petitioner, as sought in the petition that the respondent is not entitled to any maintenance cannot be sustained at this stage.

Dismissed.

25.03.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No