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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 27/2023, CRL.M.A. 93/2023**

PUNEET KHANEJA

..... Petitioner

Through: Mr. Baldev Raj, Advocate.

versus

NEHA PRABHAKAR

..... Respondent

Through: Mr. Shashi Shankar, Ms. Swati and
Ms. Sugandha Chhibber, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.03.2024

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1. By way of present petition, the petitioner has assailed the order dated 11.10.2022 passed by learned ASJ in CA No. 288/22 whereby order dated 02.05.2022 passed by learned M.M. has been upheld.
2. The present petition is premised on the ground that both the Courts below have awarded the interim maintenance @ Rs.30,000/- to the respondent as well as to the minor child aged about 4 years.
3. During the course of submissions, learned counsel for the petitioner states that present petition is restricted only to the interim maintenance granted to the respondent No.2 and not to the minor child. In support of his contentions, learned counsel has referred to the income affidavit, filed by the respondent, wherein she has disclosed her income to be Rs.15,000/- per month. He contends that the same information is incorrect as the respondent is employed with TCS and her income for the month of August, 2021 as per her salary slip is Rs.55,737/-. He has further referred to the ITR filed by the



respondent as well as accounts statement maintained by her with ICICI Bank which show various entries in excess of Rs.15,000/- per month. He thus, submits that respondent being employed, is not entitled to any interim maintenance.

4. Learned counsel for the respondent, on the other hand, has defended the impugned orders. It is contended that petitioner, in his income affidavit, has claimed his income to be Rs.18,000/- per month whereas his account statement maintained by him in Indian Bank would show entries far exceeding his claimed income. It is also contended that though the petitioner has claimed that his father is running a separate business in the name of M/s Khaneja and Company, petitioner is also involved in the said business and in this regard, reference is invited to one invoice dated 02.08.2019 wherein petitioner has signed for and on behalf of *M/s Khaneja and Company*. In her reply, respondent has reproduced entries in the bank account maintained by the petitioner with Indian Bank, which are as follows:-

Sl. No.	Date	Deposit	Bank & Account Number
1.	18.12.2018	90,000/-	Indian Bank A/c No. 50206930134
2.	25.02.2019	1,00,000/-	Indian Bank
3.	06.03.2019	1,90,000/-	Indian Bank
4.	12.03.2019	36,000/-	Indian Bank
5.	30.05.2019	1,23,876/-	Indian Bank
6.	05.07.2019	3,60,000/-	Indian Bank
7.	05.07.2019	60,000/-	Indian Bank
8.	23.07.2019	1,00,000/-	Indian Bank



9.	13.08.2019	2,50,000/-	Indian Bank
10.	22.08.2019	30,000/-	Indian Bank
11.	10.10.2019	1,00,000/-	Indian Bank
12.	03.12.2019	5,00,000/-	Indian Bank
13.	07.12.2019	40,000/-	Indian Bank
14.	18.01.2020	90,000/-	Indian Bank
15.	22.01.2020	45,000/-	Indian Bank
16.	05.03.2020	2,00,000/-	Indian Bank
17.	12.03.02020	4,60,000/-	Indian Bank
18.	25.03.2020	6,50,000/-	Indian Bank
19.	25.03.2020	3,50,000/-	Indian Bank
20.	20.05.2020	33,000/-	Indian Bank
21.	30.05.2020	30,000/-	Indian Bank
22.	05.06.2020	50,000/-	Indian Bank
23.	12.06.2020	2,65,000/-	Indian Bank
24.	18.06.2020	1,00,000/-	Indian Bank
25.	27.07.2020	1,00,000/-	Indian Bank
26.	03.09.2020	2,00,000/-	Indian Bank
27.	09.09.2020	2,00,000/-	Indian Bank
28.	22.09.2020	2,15,000/-	Indian Bank
29.	09.10.2020	1,10,000/-	Indian Bank
30.	19.12.2020	2,00,000,-/-	Indian Bank
31.	02.01.2021	1,00,000/-	Indian Bank
32.	03.02.2021	1,50,000/-	Indian Bank
33.	03.02.2021	50,000/-	Indian Bank
34.	10.02.2021	1,10,000/-	Indian Bank
35.	07.05.2021	1,79,000/-	Indian Bank

5. To the similar extent are the entries in the account maintained by *M/s Khaneja and Company*. Learned counsel for the respondent submits that respondent is employed with TCS from May, 2021 onwards and her employment is only on project basis and there is no steady income except Rs.15,000/- per month. It is informed that proceedings before the Trial Court are at the stage of prosecution evidence.

6. I have heard the learned counsels for the parties and perused the material available on record.



7. Petitioner has not denied the account statement maintained by him with Indian Bank, reproduced hereinabove by the respondent, however, petitioner submits that the same were not income generated but loans taken by him from his father to run day-to-day business. Though, the petitioner has contended that the account maintained by M/s Khaneja and Company belongs to his father and he has no concern with the same, however in his income affidavit, he has claimed that his father is dependent upon him. Considering that the impugned orders relate to only grant of interim maintenance, on a consideration of above noted facts, no ground is made out to interfere with same. The impugned orders are upheld however, it is clarified that in case at the time of disposal of the maintenance petition, the Family Court comes to the conclusion that the respondents are entitled to lesser or higher maintenance, the Family Court would be at liberty to grant adjustment of the arrears either way. Miscellaneous applications are disposed of.

8. Needless to state that the observations made herein above are only for the purpose of disposal of present petition and the same shall not have any bearing on the outcome of trial.

9. Petition is disposed of in the above terms alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

MARCH 28, 2024

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