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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 59/2023

SH. OM PRAKASH

.....Petitioner

Through: Mr. Rajneesh Kapoor, Mr.
S.S. Rawal, Mr. Sanjeev S.
and Mr. Rajesh Kumar,
Advs.

versus

SMT. SHARDA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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24.01.2025

REVIEW PET. 39/2025 & CRL.M.A. 2280/2025 (condonation of delay of 98 days in filing the review petition), CRL.M.A. 2281/2025 (condonation of delay of 108 days in re-filing the review petition)

1. By way of the present review petition, the petitioner seeks review of the order dated 01.05.2024, passed by this Court, essentially on the ground that the maintenance amount of ₹4,000/- per month was fixed taking into account the minimum wages payable to an unskilled worker in the NCT of Delhi at the time of passing of impugned order dated 26.08.2022, whereas, the maintenance was directed to be paid from the year 2013.

2. The learned counsel for the petitioner submits that the order dated 26.08.2022 was passed by the learned Trial Court in the year 2022 and at that time, the minimum wage applicable in NCT of Delhi was ₹16,506/- per month.

3. He submits that the maintenance was directed to be payable from the date of filing of the application, that was in the year 2013, and the minimum wage at that time was only ₹7,722/- per month.

4. The learned Trial Court noted that the petitioner had been paying a sum of ₹2,000/- per month to the minor child who is



admittedly staying with the respondent wife.

5. The learned Trial Court assessed the income of the petitioner as ₹16,500/- per month considering the prevailing minimum wages in the NCT of Delhi, however, the sum ₹4,000/- was awarded as maintenance to the wife considering the overall material on record. Thus, the argument that a sum of ₹4,000/- per month was made payable from the year 2013 onwards erroneously, is not borne out from the order.

6. Had the sum of ₹16,500/- been considered as the income of the petitioner since the year 2013, the amount of maintenance awarded would have been higher in terms of the judgment passed by this Court in the case of ***Annurita Vohra v. Sandeep Vohra : 2004 (74) DRJ 99*** which provides that two portions of the family income should be kept by the person who is earning and the rest should be divided equally amongst the dependant family members.

7. The petitioner, in the opinion of this Court, should have been liable to pay approximately a sum of ₹8,000/- per month to the wife and minor child whereas as per the impugned order, the only sum payable at this stage as an interim maintenance is a collective sum of ₹6,000/- per month. Even otherwise, the amount of maintenance is not unreasonable and admittedly the minor child is also staying with the wife.

8. This Court, therefore, finds no error apparent in the face of record so as to warrant review of the order dated 01.05.2024.

9. The present review petition is, therefore, dismissed. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

JANUARY 24, 2025 / 'KDK'