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

+ **CRL.REV.P. 307/2023 & CRL.M.A. 7613/2023**

SURENDRA PRASAD Petitioner

Through: Adv. Anupam Jain & Adv.
S.K. Pandey with
petitioner in person.

versus

SMT. RANJU DEVI & ORS. Respondents

Through: Adv. Juhi Arora, through
V.C.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

05.02.2024

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1. The present petition is filed impugning the order dated 22.12.2021 (hereafter '**the impugned order**'), passed by the learned Family Court, Karkardooma Courts, thereby granting interim maintenance for a sum of ₹10,500/- per month in favour of the respondents, who are the wife and two minor children of the petitioner.
2. The learned Family Court awarded the maintenance specifically noting that the petitioner having an ITI Diploma falls in the category of skilled worker.
3. It is not disputed that the respondents are staying in the same premises as the petitioner. However, it is alleged that the petitioner is not maintaining the respondents. Considering that the parties have been staying together, it was stated on the last date of hearing that the parties should try and settle their disputes.
4. The Respondent No. 1 is present in person. On being asked, she submits that she has all the intentions to happily and peacefully stay with the petitioner. However, the petitioner and



his family members are not supporting the Respondent No. 1 and the minor children / Respondent Nos. 2 & 3 in any manner.

5. The learned Family Court, considering the fact that the petitioner is 12th pass and also having an ITI Diploma, considered the minimum wage for the skilled workers payable in the National Capital Territory of Delhi to be ₹18,000/- in terms of the order of the Ministry of Labour and Employment.

6. The petitioner is present in person and is able-bodied man.

7. The learned counsel for the petitioner submits that the petitioner is suffering from various medical ailments. I have gone through the medical record. The same appears to be self-serving documents and the ailments do not seem to be of such nature which would stop the petitioner from working and earning money for the family.

8. The interim maintenance of ₹10,500/- as awarded by the impugned order for the Respondent No.1 and the minor children / Respondent Nos. 2 & 3, at this stage, does not appear to be unreasonable.

9. The Hon'ble Apex Court, in the case of **Anju Garg and Anr. v. Deepak Kumar Garg : 2022 SCC Online SC 1314**, observed as under:

*“10.... The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. **The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute....***

x-x-x

*13. Though it was sought to be submitted by the learned counsel for the respondent, and by the respondent himself that he has no source of income as his party business has now been closed, the Court is neither impressed by nor is ready to accept such submissions. **The respondent being an able-bodied, he is obliged to***



earn by legitimate means and maintain his wife and the minor child....”

(emphasis supplied)

10. In view of the above, this Court finds no merit in the present petition, and the same is accordingly dismissed.
11. Pending application also stands disposed of.

AMIT MAHAJAN, J

FEBRUARY 5, 2024
“SK”