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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 239/2019 & CRL.M.A. 4697/2019**
SHESH NATH YADAVPetitioner

Through: Mr. Alope Kumar Bhattacharya, Adv.

versus

SUMAN YADAVRespondent
Through: Mr. Atul Trivedi, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
13.09.2024

1. This petition has been filed for setting aside impugned order dated 16th October 2018 passed by the Family Court awarding the interim maintenance of Rs. 3,400/- per month to the respondent w.e.f. November, 2018.
2. The limited ground on which the petitioner seeks to challenge this is that the respondent's wife voluntarily withdrew the petitioner's company and, therefore, is not entitled to maintenance and that she has failed to furnish the proof of her residence which falls within the territorial jurisdiction of the Trial Court.
3. Counsel for respondent on the other hand objects to the maintainability of the revision petition since the impugned order was *ex parte*, he could have filed under Section 126 Cr.P.C.
4. Further, he contends that the cross -examination of the respondent wife on 07th November, 2017, would show that she had submitted her Aadhar Card



in Court which provides the Family Court with the requisite territorial jurisdiction.

5. Aside from these objections, the Court has in any event perused the impugned judgment. The Family Court has traversed the details of the facts and circumstances as well as contentions of the parties in detail including pleadings which had been filed before the Court.

6. Besides the evidence had also been perused, noting that the respondent wife had been cross-examined by the petitioner.

7. After assessment, the impugned judgment assessed the wages of the petitioner on the basis of the minimum wages for unskilled worker and provided a calculation in para 14 of the said order, thereby, entitling the respondent wife to Rs. 2300/- per month from the date of petition till October, 2018 and Rs. 3423/- rounded of Rs. 3400/- from November, 2018 onwards.

8. This Court does not find any infirmity, impropriety and illegality in the said order.

9. Reference is made to the decision of Supreme Court in ***Malkeet Singh Gill v The State Of Chhattisgarh.***, (2022) 8 SCC 2048 which circumscribes the powers of Court in revisional jurisdiction.

10. Petition is accordingly dismissed.

11. Order be upload on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 13, 2024/RK