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

\+ CRL.REV.P. 599/2023 & CRL.M.A. 14450/2023

DEEPAK SHARMA .....Petitioner

Through: Mr. Pradeep Kumar, Adv. (through VC)

versus

KINNI .....Respondent

Through: Mr. Abhishek & Mr. D.V. Gautam, Advs.

**CORAM:**
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

% **30.08.2024**

1. The petitioner has filed the present petition challenging the order dated 25.11.2022 (hereafter '**impugned order**'), passed by the learned Family Court, in MT No.533/2021, whereby an interim maintenance of ₹30,000/- per month was awarded to the respondent.

2. The learned counsel for the petitioner submits that the learned Family Court had assessed the net salary of the petitioner as ₹65,170/- as in February, 2022, and in such circumstances, almost 50 per cent of the salary amount could not have been awarded as interim maintenance to the respondent. He relies on the observations made in the judgment passed by this Court in the case of ***Annurita Vohra v. Sandeep Vohra* : 2004 (74) DRJ 99**.

3. The learned counsel for the respondent submits that the salary of the petitioner at the time of passing of the impugned order was much more than ₹65,170/-.

4. He submits that the gross salary at that stage was ₹94,000/- per month and the net salary was approximately ₹75,000/-.

5. He further submits that the observations made by the learned Trial Court are incorrect but since the respondent was satisfied with the maintenance of ₹30,000/- per month, the order was not challenged.

6. This Court in ***Annurita Vohra v. Sandeep Vohra*** (*supra*) had laid down certain principles in regard to division of the family income. It was held that the court should initially determine the net disposable income of the Husband or the primary earner within the family. If the other spouse is also employed, those earnings should be taken into consideration. This collective income forms the Family Resource Cake, which is then distributed among the family members. The allocation of this "cake" should align with the financial needs of each family member, and an equitable approach would involve dividing the Family Resource Cake into two portions for the Husband, acknowledging his additional expenses incurred in earning, and one portion each for the other members.

7. The petitioner has no other dependent and he is, therefore, entitled to two shares of the salary and the respondent would be entitled to one share.

8. It is not disputed that the petitioner was receiving a net salary of approximately ₹75,000/- per month at the time of the passing of the order by the learned Trial Court.

9. Concededly, the present order is only in regard to interim maintenance and the proceedings are pending before the learned Family Court.

10. As regard to the argument that the petitioner at the time of passing of the order for interim maintenance was earning a higher

salary and that he had other income as well, the learned Trial Court would look into that aspect at the time of passing of the final order.

11. In view of the above, considering the principle as laid by this Court in ***Annurita Vohra v. Sandeep Vohra*** (*supra*), this Court is of the opinion that the interim maintenance of ₹25,000/- is a reasonable amount and the impugned order is modified to this extent.

12. It is made clear that the learned Family Court shall pass further orders without being influenced by any observation made in the present order or in the impugned order.

13. The present petition is disposed of with the aforesaid observations.

**AMIT MAHAJAN, J**

**AUGUST 30, 2024**

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