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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 664/2024**
INDRA KUMARPetitioner
Through: Mr. Shakir Shabir, Advocate

versus

SMT. PARUL & ORS.Respondents
Through: Mr. Harsh Gautam, Ms. Ankita Gautam
and Mr. Praharsh Chaudhary, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
% **23.10.2024**

CRL.M.A. 32069/2024 (early hearing by the respondents)

1. By way of present application, the applicant/respondents seek early hearing of the petition.
2. Issue notice.
3. Learned counsel for the petitioner accepts notice and submits that he has no objection to the prayer made in the application.
4. For the reasons stated in the application and in view of the no objection given by the other side, the application is allowed and the petition is taken up for consideration today itself.
5. In view of the above, the application is disposed of.

CRL.REV.P. 664/2024 and CRL.M.A. 28204/2024

1. By way of present petition, the petitioner, who is summoned as a respondent in the maintenance petition preferred by the respondents/complainants, is aggrieved by the order dated 11.12.2023 passed by the learned Judge Family Court-02, Shahdara District,



Karkardooma Courts, Delhi in MT Case No.183/2021.

2. Learned counsel for the petitioner submits that vide the impugned order, the Family Court had granted a sum of Rs.20,000/- towards the interim maintenance for the two minor children (Rs.10,000/- each towards respondent Nos. 3 and 4 herein). He further submits that the said amount is on the higher side as respondent No.1 herself is gainfully employed and earning a handsome salary. He prays that the interim maintenance granted be reduced.

3. Learned counsel for the respondents has opposed the petition. He submits that no amount has been granted to respondent No.1 and the sum of Rs.20,000/- is only for the maintenance of the two minor children, being the daughter and son of the petitioner and respondent No.1, who are aged about 10 years and 6 years, respectively. He further submits that the maintenance petition was filed in the year 2021 and with the passage of time, even the amount required for maintenance has considerably increased.

4. I have gone through the impugned order as well as the material placed on record.

5. Respondent No.1/complainant has preferred the underlying petition under Section 125 Cr.P.C. seeking interim maintenance, while claiming to be herself working in the Accounts Department, Northern Railway. She also claims to be residing at a rented accommodation at a rent of Rs.12,000/- per month. In the proceedings, the parties have already placed their respective salary slips on record. The Family Court noted the net income of the respondent No.1 as Rs.50,000/- while the petitioner's net income was assessed as around Rs.60,000/- per month, being employed in Delhi Police. During the course of the submissions, it is also informed that the petitioner



has been promoted as a Head Constable.

6. The Family Court, while taking into account the two salary slips, directed payment of Rs.20,000/- cumulatively for the minor children. Adding the two incomes of the petitioner and respondent No.1 and dividing the family cake in portions in terms of the decision of a Coordinate Bench of this Court in Annurita Vohra v. Sandeep Vohra reported as **2004 SCC OnLine Del 192**, the interim maintenance granted vide the impugned order calls for no interference.

7. In view of the above, I find no ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending application.

8. Considering that the impugned order only relates to the grant of interim maintenance and the parties are yet to lead their evidence, it shall be open to the Family Court, on receipt of any new evidence, to arrive at a conclusion granting adjustments either way.

9. The date already fixed, i.e., 02.12.2024 stands cancelled.

MANOJ KUMAR OHRI, J

OCTOBER 23, 2024

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