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

+ **CRL.REV.P. 925/2023**

SH SUMIT KUMAR Petitioner

Through: **Mr. K.G. Seth, Advocate**

versus

SMT. ANJU Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.01.2024**

1. The present petition is filed impugning the order dated 05.06.2023, passed by the learned Family Court, South, Saket (hereinafter referred to as '**the impugned order**'), whereby the petitioner was directed to pay a sum of ₹7,000/- per month to the respondent as interim maintenance.

2. The learned counsel for the petitioner submits that the respondent is a graduate from Jesus and Mary College, Delhi University, and has also done a teacher training course. He submits that the respondent is taking private tuitions and has deliberately concealed her income in order to extort money from the petitioner.

3. The learned Trial Court, after considering the facts of the case, has only awarded an interim maintenance of ₹7,000/- per month to the respondent. It is noted that the various defences raised by the petitioner, along with the allegations and the counter allegations, would be the subject matter of trial, and would have to be decided after the parties have led their



evidence.

4. The learned Family Court noted that the petitioner is employed as a government servant and assessed the income of the petitioner as ₹33,263/- per month on the basis of his income affidavit. The learned Family Court also took into account the basic financial needs of the respondent and the liabilities of the petitioner before awarding the monthly interim maintenance of ₹7000/- to the petitioner.

5. This court in a catena of judgments has noted that some guesswork on the part of the court is permissible when determining the maintenance under Section 125 of the Code of Criminal Procedure, 1973.

6. At this stage, no evidence has been filed which would show that the respondent is earning any money or that she is in a position to maintain herself. Even otherwise, a sum of ₹7,000/- per month in the opinion of this Court is reasonable maintenance at the interim stage.

7. In view of the above, this Court does not find any reasons to interfere with the impugned order. Needless to say, the petitioner is at liberty to lead evidence and produce documents evidencing that the respondent is in a position to maintain herself.

8. No further orders are required at this stage.

AMIT MAHAJAN, J

JANUARY 25, 2024

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