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

+ **CRL.REV.P. 928/2024, CRL.M.As. 21156-21157/2024**

KUNAL SANSALWAL

.....Petitioner

Through: Ms.Alisha Dalal and Mr.Himanshu
Vashishtha, Advts.

versus

DEEPIKA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.07.2024

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The petition has been filed, challenging the order dated 22.03.2024 passed by the learned Judge, Family Court-01, SW, Dwarka, New Delhi whereby the learned Judge, Family Court has passed an interim maintenance in the sum ₹18,000/- for the respondent and the child. The petitioner has challenged the impugned order on the ground that the petitioner is medically unfit overweight, VI Class pass and does not have any income. Learned counsel submits that, given the circumstances, the revision petition may be allowed, and the impugned order may be set aside. The revisional jurisdiction as prescribed under the law is very limited. The revisional court can exercise its jurisdiction only if there is illegality, infirmity or incorrectness in the order of the learned trial court. The another ground which is available is if there is perversity in the order of the learned trial



court. The revisional court cannot substitute its own view with the view of the learned trial court, if two views are possible.

In the present case learned trial court has passed a reasoned order. The perusal of the order indicates that the wife/respondent has submitted before the learned trial court that the petitioner has rental income of around Rs.2,40,000/- per month, whereas the petitioner has no source of income.

Learned trial court took into account the contention of the petitioner that the properties are in the name of the respondent/petitioner and the respondent is living separately from his parents. The learner trial court has also taken into account the affidavits of assets and liabilities. The learner trial court has rightly observed that the disputes related to the property cannot be decided at this stage. The learner trial court recorded prima facie finding that and respondent/wife was not gainfully employed.

I consider that there is no illegality or infirmity in the order of the learned trial court, hence, the revision petition is dismissed.

DINESH KUMAR SHARMA, J

JULY 22, 2024

rb/dg