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

+ CRL.REV.P. 1186/2019 CRL.M.A. 40303/2019

SMT. PARAMJEET BILLA

.....Petitioner

Through: Mr. Ajai Kumar, Mr. Rishpreet Singh,
Advs with petitioner in person

versus

SH. PAWAN BILLA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

31.07.2024

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1. This petition is filed seeking enhancement of maintenance by petitioner/wife challenging the impugned order dated 1st July 2019, whereby an amount of Rs.15,000/- per month (Rs. 8,000/- to petitioner and Rs.7,000/- for the child) was directed as final maintenance, from the date of filing the petition till the passing of the order, and Rs. 25,000/- per month (Rs. 15,000/- to petitioner and Rs. 10,000/- for the child) from the date of passing of the order, till petitioner/wife is alive or is disqualified from claiming maintenance, and till the child attains the age of majority. Petitioner, who was present in Court stated that the child is now 16 years of age.

2. Impugned order was passed *ex-parte*. Respondent has not appeared before this Court and was proceeded *ex-parte* by order dated 1st February 2023.



3. Essentially this petition is based on affidavit filed by respondent/husband stating that his net income was approx. Rs.14 lakhs. The impugned order assesses the net monthly income of the respondent/husband as Rs.1,25,531/-.

4. Counsel for the petitioner contends that as per affidavit filed by respondent, on 09th June 2016, the expenses in relation to the education of the child, even as per the husband, was totalling upto about Rs.25,000/- which is given in Part III of his affidavit at Sr. No.7. However, only Rs. 10,000/- has been awarded.

5. Counsel for petitioner states that having limited sources, expenses of the child could not be met, since he is in custody of mother, who has been maintaining the child and it is not possible to maintain a child with the amount which has been awarded by the impugned order.

6. Further, the income of the respondent has to be equitably apportioned for maintenance of wife and child. The net income of the respondent was stated to be Rs.1,25,531/-, by the impugned order. Considering that the respondent claimed Rs. 66,000/- p.m. as expenses for himself, even retaining three units for the husband/respondent would suffice (to cover his expenses and dependant father too). Keeping in view the decision of this Court in *Annurita Vohra v. Sandeep Vohra* 2004 SCC Online Del 192, at the very least the other two units ought to be for the wife and the child, whom she is maintaining.

7. In any event, as stated above, the child ought to have got Rs. 25,000/- maintenance, per month, taking into account statement on affidavit filed by the respondent himself (even otherwise he stated in his affidavit that he was



willing to pay Rs. 18,000/- p.m. towards his child – also noted in the impugned order).

8. While the impugned order does note these figures and assesses the respective contention of the parties, it does not provide any reason why the maintenance was restricted to the amounts granted, especially when 1/5th of the family pie (income of the husband) amounts to Rs. 25,000/- per month, and at the very least two units ought to be for the wife and child.

9. Considering these circumstances, the Court is of the opinion that maintenance of petitioner/wife be enhanced to Rs.50,000/- per month to be paid by respondent/husband; out of which Rs.25,000/- shall be towards petitioner/wife and Rs.25,000/- towards the child, which will be paid from the date of the impugned order, till petitioner is alive/disqualified from claiming maintenance, and till the child attains majority.

10. The petition stands disposed of with the above directions.

11. Pending applications, if any, are disposed of as infructuous.

12. Order be uploaded on the website of this Court,

ANISH DAYAL, J

JULY 31, 2024/sm