



\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 748/2024, Crl. M.As. 24590-591/2024**

ANKIT GUPTA

.....Appellant

Through: Mr. Sitab Ali, Mr. Gufran Ali and Mr. Sadik, Advocates with appellant in person.

versus

PARUL GUPTA

.....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.11.2024

%

1. An Appeal under Section 19 of the Family Court Act, 1984 has been filed on behalf of the appellant against the Order dated 03.06.2024 passed by Ld. Family Judge, Shahdara, Karkardooma Courts vide which the appellant has been directed to pay interim maintenance @ Rs.50,000/- per month to the respondent/wife.
2. Learned counsel for the appellant submits that the impugned order is based upon surmises and conjectures, does not reflect a correct appreciation of the evidence and is contrary the provisions of Section 125 Cr.P.C., therefore, the impugned order deserves to be set aside. He further submits that the impugned order was passed without considering the appellant's defence or taking into account the details of his income and expenditure inasmuch as neither the written submission/reply nor the income affidavit of the appellant could be placed on record. It is also stated that the appellant is



not earning anything as he is suffering from depression and is on medication. The annual income of the appellant is around Rs. 6-7 lacs per annum. Moreover, the appellant's father has debarred the appellant from inheriting all their movable & immovable properties and a public notice to this effect was also issued in newspapers namely "*Virat Vaibhav*" (page No.4) & "*Top Story*" (page No.2). Lastly, it is stated the respondent is earning and financially independent as she is successfully managing various companies and firms as Partner, Director and Proprietor.

3. With the assistance of learned counsel for the appellant, I have gone through the impugned order as well as the material placed on record.

4. A perusal of the impugned order would show that the Family Court, after considering the submissions of both the parties, their lifestyle, and the respondent/wife's claim that she has no source of income, directed the appellant to pay interim maintenance of Rs. 50,000/- per month to the respondent/wife from the date of filing the application for interim maintenance until the disposal of the maintenance petition. The appellant was further directed to pay the arrears or maintenance in three equal monthly instalments.

5. The decision passed by the Family Court is in line with the decision of a Coordinate Bench of this Court in Annurita Vohra v. Sandeep Vohra reported as **110 (2004) DLT 456**. Considering the fact that the maintenance petition is still pending consideration before the learned Family Court and further considering the aforementioned facts and circumstances, this Court finds no ground to interfere with the impugned order.

6. It is informed that no written statement was filed, as such, the impugned order was passed by the Court based on the available record.



Furthermore, it is stated that appellant's right to file written statement was closed, for which an application has now been filed and is coming up for consideration before the Trial Court.

7. Subject to the outcome of the aforementioned application, the appellant shall be at liberty to seek remedy in terms of Section 127 Cr.P.C.

8. The petition stands disposed of in the above terms alongwith the pending applications.

MANOJ KUMAR OHRI, J

NOVEMBER 11, 2024/ga