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

+ **CRL.REV.P. 1079/2024**

NEERAJ KUMAR

.....Petitioner

Through: Mr. Hari Pandey and Mr.
Ojusya Joshi, Advs.

versus

SUSHMA DOHARE & ANR.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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30.08.2024

CRL.M.A. 25934/2024 (exemption from filing certified copies of annexures) & CRL.M.A. 25935/2024 (exemption from filing dim and true typed annexures)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

CRL.REV.P. 1079/2024 & CRL.M.A. 25932/2024, CRL.M.A. 25933/2024

3. The present petition is filed challenging the order dated 11.03.2024, passed by the learned Family Court, in MT No. 467/2022, whereby the petitioner has been directed to pay interim maintenance of ₹20,000/- per month to the respondents.
4. The learned counsel for the petitioner submits that the learned Family Court has erroneously awarded excessive amount as interim maintenance to the respondents.
5. He submits that the petitioner is only earning a net salary of around ₹48,300/- per month and the learned Trial Court has failed to consider that Respondent No.1 is well-qualified and is running a beauty parlour.



6. He further submits that the petitioner is also suffering from various ailments and he also has to take care of his elderly mother.

7. Concededly, the petitioner is earning a net salary of ₹48,000/- approximately. This Court in the case of ***Annurita Vohra v. Sandeep Vohra : 2004 (74) DRJ 99*** had observed that the court should initially determine the net disposable income of the Husband or the primary earner within the family. If the other spouse is also employed, those earnings should be taken into consideration. This collective income forms the Family Resource Cake, which is then distributed among the family members. The allocation of this "cake" should align with the financial needs of each family member, and an equitable approach would involve dividing the Family Resource Cake into two portions for the Husband, acknowledging his additional expenses incurred in earning, and one portion each for the other members.

8. The relationship of the respondents and the petitioner is not denied. It is incumbent on the petitioner to financially support the respondents. The petitioner, who is an able-bodied man, cannot shirk his sacrosanct duty to financially support and maintain his wife and minor child.

9. The interim maintenance awarded by the learned Trial Court to the wife and minor child is roughly of the same amount as should be awarded in line with the decision in ***Annurita Vohra v. Sandeep Vohra (supra)***.

10. Insofar as the contention regarding Respondent No. 1 being highly qualified and earning money by running a beauty parlour is concerned, no evidence has been brought on record at this stage to show that Respondent No.1 is in a position to maintain herself.



11. In the opinion of this Court, when the petitioner is concededly earning a sum of approximately ₹48,300/- per month, at this stage, the interim maintenance of ₹20,000/- awarded to the respondents is not unreasonable.

12. It is not disputed that the impugned order is only an order of interim maintenance. The defences raised by the petitioner, along with the allegations and counter allegations, would be the subject matter of the trial, and would have to be decided after the parties have led their evidence.

13. In view of the above, this Court finds no reason to interfere with the impugned order, and the petition is dismissed in the aforesaid terms.

14. The learned Trial Court is directed that the final order be passed in the case uninfluenced by the findings made in the impugned order or this order.

AMIT MAHAJAN, J

AUGUST 30, 2024

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