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

+ **CRL.M.C. 7170/2024**

SANDEEP KUMAR

.....Petitioner

Through: Mr. Amit Dhankar, Ms. Ruchika
Yadav, Advocates.

versus

ARCHANA

.....Respondent

Through: Ms. Namita Arora, Advocate

+ **CRL.REV.P.(MAT.) 27/2024 & CRL. MAs 27370-71/2024**

SANDEEP KUMAR

.....Petitioner

Through: Mr. Amit Dhankar, Ms. Ruchika
Yadav, Advocates.

versus

SMT ARCHANA

.....Respondent

Through: Ms. Namita Arora, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.10.2024

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1. By way of present petitions, the petitioner/husband seeks setting aside of common order dated 27.04.2024 passed in MT No.376/2022 and HMA No.418/2022 by the learned Family Court, Karkardooma Court, Delhi, vide which interim maintenance of Rs.30,000/- per month came to be awarded in favour of the unmarried daughter of the parties (petitioner No.2 therein).
2. The challenge is premised on the ground that the daughter of the parties was a major at the relevant time and even subsequently, had started earning. During the course of the hearing, on a query raised by the Court, learned counsel for the petitioner concedes that no material was placed before the Trial Court in support of the aforesaid submissions.



3. A perusal of the impugned order would indicate that while the respondent had preferred an application under Section 125 Cr.PC, the petitioner has also filed proceedings under Section 24 of HMA. Vide the impugned orders, the Family Court directed the petitioner to pay the aforesaid sum from the date of filing of the application/petition under Section 125 Cr.PC or filing of an application under Section 24 HMA, whichever was earlier. The petitioner solemnized the marriage with the respondent on 08.03.2000 and out of the said wedlock, one daughter was born on 15.12.2001 (at another place, the date of birth is mentioned as 15.12.2002).

4. The respondent in her petition filed under Section 125 Cr.PC has claimed that the petitioner was salaried and is also employed as Staff and Welfare Inspector in Indian Railways, there is an additional income of approximately Rs.2 lacs.

5. During the course of pendency of the proceedings before the learned Family Court, the salary slip of the petitioner was placed on record, which indicated his gross pay to be Rs.1,19,436/- per month and net pay of Rs.75,419/- for the month of November, 2023. While disbelieving the respondent's contention of additional income, for there being no material placed on record, the Family Court assessed the petitioner's income to be Rs.90,000/- per month. Bearing in mind the ratio of the decision of the Coordinate Bench of this Court in 'Annurita Vohra v. Sandeep Vohra', reported as **2004 (3) AD 252** as well as the decision in 'Rajnesh v. Neha' reported as **(2021) 2 SCC 324**, the Family Court granted maintenance of Rs.30,000/- per month from the date of filing of the petition to the daughter only.



6. On a perusal of the material placed on record, this Court is of the considered opinion that the impugned order has rightly assessed the monthly income to be Rs. 90,000/- pm. Apportioning the same in three equal shares, one share was given for the minor daughter. This Court finds the impugned order to be in line with the aforesaid decisions and as such, calls for no interference. Needless to state, in case the petitioner places any material on record to seek variance of the impugned order of interim maintenance in terms of Section 127 Cr.PC, the petitioner shall be at liberty to file an appropriate application in this regard.

7. However, it is clarified that in case at the time of disposal of the maintenance petition, the learned Family Court comes to the conclusion that the daughter is entitled to lesser or higher maintenance, the Family Court would be at liberty to grant adjustment of the arrears either way.

8. The petitions are disposed of alongwith pending applications in above terms.

MANOJ KUMAR OHRI, J

OCTOBER 28, 2024/rd