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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 65/2024, CRL.M.A. 31387/2024, CRL.M.A. 31388/2024, CRL.M.A. 31389/2024

VIKAS SAINI

.....Petitioner

Through: Mr. Kush Sharma, Mr. Nischaya
Nigam, Ms. Vagmi Singh, Advs.

versus

ASHU SAINI

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

18.10.2024

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1. The present petition has been filed challenging the impugned order dated 29.04.2024 whereby the learned Judge, Family Court-01, Saket Courts, South has granted an interim maintenance in the sum of Rs.10,000/- per month to the respondent from the date of filing of application for interim maintenance u/s 125 Cr.P.C. i.e, 07.06.2022 till disposal of the petition.
2. Learned counsel for the petitioner submits that the learned Trial Court has fallen into error by granting an interim maintenance in the sum of Rs.10,000/- to the respondent/wife. It has been submitted that the respondent wife herself is a Ph.D. holder and is working as lecturer in the College of Art. It has been submitted that the total income of the petitioner as per the affidavit of income filed before the learned Family Court is Rs.30,000/- per month. Out of which there is monthly expenditure of Rs.15,000/- per month. Learned counsel



submits that petitioner has to also support his old widow mother who is totally dependent on the petitioner. Learned counsel further submits that the learned Trial Court has also not taken into account the credit entries in the account of the respondent/wife. It has also been submitted that the respondent /wife has not filed the affidavit in the prescribed format as laid down by the Apex Court in ***Rajnesh V. Neha (2021) 2 SCC 329.***

3. Perusal of the impugned order indicates that the learned Trial Court has examined the rival contentions of the parties. Learned Trial Court has noted that the respondent/wife is pursuing a Ph.D and she teaches at the College of Art on a contract basis as and when called from the College on an hourly basis. It was noted that the income of the respondent/wife is not permanent and she earns about Rs.6,000/- to 7,000/- per month. Further, it was noted that the petitioner/husband had not filed any document to substantiate the averment that the respondent/wife was earning Rs.70,000/- per month. Learned Trial Court has noted that the petitioner/husband himself admitted that he was getting salary of Rs.30,000/- per month. It was also noted that the petitioner/husband has admitted that he was having one Pandal under the name and style of M/s. Vikas Design and Decor in partnership and the said partnership was terminated in April, 2021
4. Learned Trial Court has also taken into account the income tax returns filing by the petitioner/husband and on the basis of same, the income of the petitioner was assessed Rs.50,000/- per month.
5. It is a settled proposition that the revisional jurisdiction of the Court is quite limited. The Court while exercising the revisional jurisdiction



can interfere only if there is a patent illegality or perversity in the order of the learned Trial Court. It is a settled proposition that the Court in the revisional jurisdiction cannot substitute its opinion with the opinion taken by the learned Trial Court, if the same is the plausible and in accordance with the law. The view taken by the learned Trial Court cannot be set aside merely because another view could have been taken.

6. I consider that the interim maintenance granted by the petitioner to the respondent/wife is quite reasonable one and is based on the good reasons. The Court does not find any reason to interfere the impugned order. Hence, the present petition is dismissed. However, learned Trial Court shall decide the maintenance petition finally on the basis of evidence, without being influenced by any observation made by this Court.

DINESH KUMAR SHARMA, J

OCTOBER 18, 2024

Pallavi/SM