



\$~72

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.REV.P.(MAT.) 70/2024, CRL.M.A. 31803/2024, CRL.M.A. 31804/2024

MOHD. DANISH ANSARI

.....Petitioner

Through: Mr. Pawan Arora and Ms. Aakanchha
Jhunjhuwala, Advocates.

versus

HINA QUASAR AND ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.10.2024

%

1. Present revision petition has been preferred by the petitioner seeking to assail the order dated 18.04.2024 passed by the Principal Judge, Family Court, Shahdara District, Karkardooma Court, Delhi in maintenance petition bearing M.T. 164/2021. Vide the impugned order, the petitioner/husband has been directed to pay interim maintenance of Rs.12,000/- per month to each, i.e., respondent No.1/wife and respondent No.2/minor child, totalling to Rs.24,000/- per month.
2. Present petition has been premised on the assertion that the petitioner is working as a gym trainer and earning only Rs.12,000/- per month and as such, the order granting interim maintenance is not only on the higher side but is also ignoring the aforesaid aspect.
3. With the assistance of learned counsel for the petitioner, I have gone through the impugned order as well as the material placed on record.



4. During the course of submissions, it has been stated that initially the petitioner was directed to pay ad interim maintenance @ Rs.10,000/- per month which has been enhanced by the impugned order. A perusal of the impugned order would show that the parties were directed to file their respective income affidavits. Further, the respondent No.1/complainant claimed that the present petitioner is running his own business with his father and earning Rs.1.50 lacs per month from the said business, which is apparent from the fact that the petitioner has been making frequent visits to China for import and export business. Besides above, the petitioner's parents are owners of 3 to 4 immovable properties situated in Delhi having a good rental income. As noted above, the petitioner, on the other hand, claimed that he was only employed as a gym trainer and rather the respondent No.1 was an interior designer and running a beauty parlour having income of about Rs.30,000/- per month.

5. The learned Trial Court while passing the impugned order took into account the income affidavit filed by the petitioner. It was observed that it mentioned an HDFC account at Dev Nagar Branch which indicated a number of transactions. The Trial Court also took into account the petitioner's passport placed on record which indicated that there were frequent visits to China. It was also noted that many of the columns of the income affidavit were either left blank or mentioned '*Not Applicable*' at many places. The Trial Court was of the opinion that the same was a deliberate attempt by the petitioner to not disclose his actual income. Noting the aforesaid, the impugned order came to be passed.

6. At the stage of directing interim maintenance, the Trial Court is required to look into the income affidavits placed on record by the parties as



well as material placed alongwith it. The impugned order reflects that the Trial Court duly applied its mind and also considered the documents filed before it and in the absence of a complete disclosure on behalf of the petitioner, made an assessment of the income on the basis of bank account statements and the passport. Considering the aforesaid, I find no ground to interfere with the impugned order and consequently, the present petition alongwith pending applications is dismissed.

6. Needless to observe that in case of any subsequent material coming on record, the parties would be at liberty to seek variance in terms of Section 127 Cr.P.C. or at the time of conclusion of the maintenance proceedings, the Trial Court on the basis of evidence coming on record would be at liberty to grant adjustment either way.

MANOJ KUMAR OHRI, J

OCTOBER 22, 2024
ga