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

+ CRL.M.C. 8661/2024, CRL.M.A. 33097/2024 CRL.M.A.

33098/2024

ROHIT TULI

.....Petitioner

Through: Mr. Deepanshu Choithani, Advocate

versus

STATE THROUGH SHO PS KESHAV PURAM & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for State
SI Vinay PS Keshavpuram

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

05.11.2024

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1. This petition has been filed for setting aside judgment dated 12th September 2024, passed by the ASJ North West District, Rohini, in CA No.191/2023. The impugned order was passed in an appeal filed under Section 29 of the Domestic Violence Act ('DV Act') against an order of interim maintenance dated 19th August 2023 passed by the Metropolitan Magistrate.

2. Post-marriage of petitioner with respondent no.2-wife in 2016, a male child was born out of wedlock in September 2019. On 31st September 2019, the wife separated from her petitioner/husband, and a complaint was filed under DV Act on 13th January 2012, along with an application seeking maintenance and interim maintenance for herself and her minor son.

3. The Trial Court awarded interim maintenance at a rate of Rs.15,000/- per month towards the minor son, while no separate provision was made



towards the wife since she was employed and was earning Rs.35,000/- per month.

4. The impugned order notes that the income of petitioner was assessed at Rs.51,000/- per month, and considering that respondent/wife was a single working mother, it was noted that she would have to make extra efforts to take care of her 5-year-old child and therefore, would need to engage a help for daycare. On this assumption that expenses of such help would be around Rs.10,000/- per month and 50% of the same should be shared by petitioner/husband, the Court directed to add Rs.5,000/- to interim maintenance per month, i.e. totalling interim maintenance at the rate of Rs.20,000/- per month towards the minor child.

5. This Court does not see any infirmity or any illegality or impropriety in the said order. Besides, it is noted that the petitioner has not challenged the trial Court order granting interim maintenance at a rate of Rs.15,000/- per month towards the minor son.

6. It is appropriate that minor child be maintained in a proper manner and expenses be shared by petitioner/husband as well. In any event, this is interim maintenance, and final equities between the parties shall be balanced out in the final maintenance order.

7. The petition is dismissed and disposed of with these directions.

8. Pending applications are rendered infructuous.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 5, 2024/sm/tk