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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 117/2024, CRL.M.A. 35750/2024, CRL.M.A. 35751/2024

KHUSHAL SHARMA

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya
Prakash Arora and Mr. Yash
Agarwal, Advocates.

versus

EKTA SHARMA & ANR.

.....Respondents

Through: Respondent No.1 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.11.2024

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1. By way of present revision petition, the petitioner seeks to assail the judgement and order dated 05.08.2024 passed by Ld. Family Court, North Rohini in MT Case No. 191/2020 whereby petitioner has been directed to pay maintenance @ Rs.15,000/- per month to the respondents.
2. Learned counsel for the petitioner contends that there is an error apparent on the face of the judgement passed by the Trial Court, inasmuch as, it has not considered the income affidavit filed by the petitioner during the course of the proceedings. Learned counsel submits that the income affidavit came to be placed on record after the final arguments were heard.
3. On a specific query as to whether the income affidavit was accompanied by any salary certificate, the answer is in negative.
4. I have perused the impugned order. Respondent No.1 had preferred a petition under Section 125 Cr.P.C. seeking maintenance for herself as well



for her minor child i.e. respondent No.2 who is in her custody. The impugned order records that vide order dated 30.09.2022 the petitioner was directed to pay ad interim maintenance @ Rs.9,000/- per month beginning October 2022 onwards. At that time, an opportunity to file detailed income affidavit was also granted subject to payment of initial cost of Rs.5,000/- and thereafter additional cost of Rs.2,000/- which was subsequently reduced to Rs.3,500/- vide order dated 05.08.2024. On 18.01.2023 even the petitioner's defence was struck off. In her maintenance petition, Respondent No.1 claimed that her marriage with the petitioner was solemnised on 09.02.2019 as per Hindu rites and ceremonies and out of their wedlock a male child was born on 05.09.2020. Respondent No.1 claimed cruelty and harassment as well physical torture at the hands of the petitioner and his family members. She further claimed that on 16.02.2020 the petitioner alongwith his mother gave physical beatings and forced her out of the matrimonial home while she was two months pregnant. Since then she has been residing at her parental home. In the maintenance petition, respondent No.1 further claimed that petitioner has no other liability but to maintain the respondents and claimed Rs.25,000/- per month as maintenance. She examined herself as PW1 and also tendered evidence by way of affidavit Ex. PW1/A. She also exhibited marriage photographs and copy of birth certificate of the child and the complaint made to CAW Cell.

4. On the other hand, the petitioner claimed himself to be a tenth class pass and working as Sr. Sales Manager with M/s Quadplay Digital LLP and earning Rs.20,000/- per month. He claimed that respondent No.1 was a diploma holder in civil engineering and was working in the year 2017. He further claimed that respondent No.1 was well qualified to earn and maintain



herself. The record would further reveal that respondent No.1 had averred while she was working in the year 2017 however, on account of marriage as well as birth to the male child, she had stopped earning since then.

5. Though, it is claimed that the income affidavit was placed on record however, as noted above, the same was filed without any salary certificate. The Family Court in absence of any proof of income awarded a consolidated maintenance of Rs.15,000/- per month i.e. Rs.10,000/- for respondent No.1 and Rs.5,000/- for the child i.e. respondent No.2 with 5% increase every year commencing from 23.02.2022 onwards. This Court is constrained to note that petitioner throughout the trial has neither filed any response to the maintenance petition nor led any evidence leading to his defence being struck off. Petitioner even did not assail any of those orders before a higher Court.

6. Considering the scope of the revision and after perusing the impugned judgment, I find no ground to interfere with the same. Accordingly, petition is dismissed with pending applications.

MANOJ KUMAR OHRI, J

NOVEMBER 28, 2024

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