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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 143/2024, CRL.M.A. 37165/2024, CRL.M.A.
37166/2024, CRL.M.A. 37164/2024

SAURABH BHANDARI

.....Petitioner

Through: Mr. Rajiv Nanda, Sr. Advocate with
Ms. Uzma and Mr. Manish Kumar
Vicky, Advocates.

versus

SHRUTI MEHRA

.....Respondent

Through: Mr. Rupendu Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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10.12.2024

1. By way of present petition, the petitioner seeks setting aside of the order dated 06.08.2024 passed by Ld. ASJ-05 (North-West), Rohini Courts, Delhi passed in CA No. 130/2023 vide which the order dated 06.10.2021 passed by Ld. Mahila Court in Ct. Case No. 6205/2020 was upheld.
2. Briefly, the respondent had preferred proceedings under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred as PWDV Act) wherein, vide the order dated 06.10.2021, Ld. Mahila Court decided the application under Section 23 of the Act. As per the narration of facts, it is apparent that the parties claimed to have solemnised their marriage on 04.07.2014. The respondent asserts that she has been living separately with her mother since 2017. She further alleges that after the marriage she was subjected to verbal, physical, mental and economic abuse by the present petitioner. She claimed monthly income maintenance @ Rs.1.25 lacs towards food, clothing,



medication and other necessities. In the income affidavit filed alongwith the petition, the respondent claimed to be a post graduate in finance, earning Rs.3,500/- through an articleship. As for the petitioner it was stated that he is a graduate and engaged in business, earning Rs.5 lacs per month.

3. Notably, in the proceedings pending before the Mahila Court, despite being granted multiple opportunities, neither a reply nor any income affidavit was filed by the present petitioner. The impugned order records that in the absence of any challenge to the averments made in the application or the income affidavit, the petitioner's monthly income was assessed based on the facts and material placed before the Court. One of such was the photographs of the petitioner wherein he is statedly seen enjoying trips with his friends. The additional documents filed with the application indicated that the present petitioner is a director of one *Aaragon Consulting Co. Ltd.* a company with a paid up capital of Rs.2,000,000.00 Baht/two Million Baht which on conversion comes to Rs.44 lacs. Based on this material, the Family Court formed a *prima facie* opinion that the petitioner earns Rs.70,000/- to Rs.80,000/- per month and awarded monthly maintenance of Rs.25,000/- per month to the respondent. On challenge made by way of an Appeal filed under Section 29 of the Act, the Ld. Sessions Court, vide the impugned order, considered the petitioner's claim of earning only ₹20,000/- per month but also took note that the petitioner had not filed any reply/document and was proceeded ex-parte before the Mahila Court.

4. Before this Court, Ld. Senior Counsel for the petitioner has contended that the respondent is the owner of three immovable properties, one of which as per the income affidavit filed by the respondent was also earning interest that was credited to the account of respondent's mother. It is further stated that the petitioner has now preferred an application seeking setting aside of the ex-parte order as well as filed his income affidavit.



5. Ld. counsel for the respondent has also joined the proceedings through V.C. and submits that in the pending execution proceedings, the petitioner has not appeared and even NBWs have been issued against him. Insofar as the award of interim maintenance is concerned, both the Courts below have come to the conclusion that for the facts and circumstances available before the Court, the maintenance awarded @ Rs.25,000/- per month is just and proper.

6. On a careful perusal of the material placed on record, this Court is of the considered opinion that in absence of any material to the contrary on behalf of the petitioner, the Family Court has made a just assessment of the petitioner's income on the basis of the material placed before it by the respondent/complainant and the impugned judgment has been passed in light of the well-established line of decisions in Annurita Vohra v. Sandeep Vohra, reported as **2004 SSC OnLine Delhi 192** and Rajnesh v. Neha reported as **(2021) 2 SCC 324**. Accordingly, I find no ground to interfere with the impugned orders. Consequently, the petition is dismissed.

7. Needless to observe that in case there is any change in circumstance, the petitioner would be at liberty to seek alternation/modification of the interim maintenance in terms of Section 25 of the Act and as and when such application is filed, the same shall be considered by the Family Court on its own merits and in accordance with law.

8. The petition is disposed of alongwith pending applications.

MANOJ KUMAR OHRI, J

DECEMBER 10, 2024

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