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

+ **CRL.REV.P.(MAT.) 14/2025**

**MS. SARITA UPADHYAY @ SARITA ALOK UPADHYAY &
ANR.**Petitioners

Through: Ms. Mukta Sharma, Advocate
(Through VC)

versus

ALOK UPADHYAY @ ALOK ASHOK UPADHYAY
.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **15.01.2025**

CRL.M.A. 955/2025 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. This is a petition filed seeking setting aside of the impugned order dated 26.10.2024 passed by the learned Judge, Family Court-02, South-East District, Saket Courts, New Delhi ('Trial Court') in Mt No. 602/22, wherein the Trial Court has returned a finding that as per the income affidavit filed by the Respondent herein, the Respondent does not appear to have any income and therefore did not determine any interim maintenance for the Petitioner.
4. In the said affidavit, the Trial Court has relied upon the statement of



the Respondent that he is presently unemployed.

5. Learned counsel for the Petitioner states that the Petitioner has now available with her documentary evidence, which shows that Respondent continues to be employed with 'Greatship (India) Limited' and has been receiving regular payments from them as per the TDS deductions reflected in his statement.

6. She states that she seeks liberty to place before the Trial Court fresh documents evidencing the existing income of the Respondent and move an appropriate application before the Trial Court for grant of interim maintenance on the basis of the fresh documents available with her.

7. This petition is dismissed as withdrawn reserving liberty to the Petitioner to move an appropriate application on the basis of the new documents stated to be now available with the Petitioner.

8. With the aforesaid directions, the petition alongwith applications is dismissed as withdrawn.

9. Needless to state that the application when filed, will be decided by the Trial Court in accordance with law.

MANMEET PRITAM SINGH ARORA, J

JANUARY 15, 2025/rhc/MG