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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2769/2021, CRL.M.A. 17540/2021, CRL.M.A. 1343/2023
JASBIR

.....Petitioner
Through: Ms. Shashi Jaiswal, Advocate.

versus

SARITA & ANR.

.....Respondent
Through: Mr. Madhurendra Jha and Mr. Ankit,
Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
27.03.2025

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1. A Petition under Section 482 Cr.P.C has been filed on behalf of the Petitioner challenging the Order dated 07.08.2020, whereby Interim Maintenance in the sum of Rs.9,500/- under Section 29 of the Protection of Women from Domestic Violence Act, 2005 has been granted to the Petitioner and the minor child by the learned M.M.
2. Aggrieved by the said Order of learned M.M, the Order was challenged before the learned ASJ, who did not find any merit and dismissed the same vide Order dated 07.08.2020. The present Petition has been filed to challenge the order of interim maintenance.
3. Essentially, the main contention made by the Petitioner/Husband is that the Court has failed to appreciate that he was earning Rs.13,000 to 14,000/- per month, which also dwindled on account of Covid-19 Pandemic. The Court did not appreciate that he had the responsibility of his mother, widow sister and an unmarried sister. He was the only earning member of the family and thus, the Interim Maintenance of Rs.9,500/- may be reduced.
4. It is further pointed out that this Court vide Order dated 06.09.2022 had directed the payment of Rs.6,500/- per month till the disposal of the present Petition.



5. Learned counsel for the Respondent has argued that the widowed sister about which the contention is being made by the Petitioner, got married even before filing of the Petition. She is now happily settled in her matrimonial home and has a newly born child. The younger sister who is claimed to be not working was in fact, working as a Nurse which has come in the proceedings in the FIR under Section 498A/406 IPC. Admittedly, she has now got married and is not dependent upon the Petitioner. It is also submitted that the mother is getting widow pension.

6. It is further submitted that in the Petition under Section 125 Cr.P.C it has emerged in the Order dated 19.02.2019 of the learned Principal Judge, Family Court that the Petitioner herein had contended that he was earning Rs.21,500/- from his profession i.e. A.C Mechanic. It is therefore, submitted that there is no infirmity in the impugned Order and the Petition is liable to be dismissed.

7. **Submissions heard and record perused.**

8. First and the foremost, emphasis has been laid down on the observations of the learned M.M that there was prima facie no Domestic Violence established. However, it cannot be overlooked that domestic violence also includes economic abuse. Since, the Petitioner/husband was not allegedly paying and supporting the Respondents, this in itself is sufficient to prima facie make out the case of Domestic Violence.

9. In so far as the merits of the case are concerned, learned counsel for the respondent has rightly pointed out that Respondent himself has asserted in the proceedings under Section 125 Cr.P.C that the income of the Petitioner was about Rs.21,500/- per month.

10. Learned counsel for the Petitioner has also asserted that the Respondent has been taking private tuitions and is earning Rs.35,000/- per month but aside from it being a conjecture, there is no material to corroborate the assertions.

11. Considering that the prima facie income of the Petitioner is shown to be Rs.21,500/- while in the impugned Order it has been taken as Rs.16,500/- per month, the interim maintenance of Rs.9,500/- per month as granted by the impugned Order to the respondents, cannot be said to be excessive or meriting any modifications.

12. The Petition has no merit and is hereby, dismissed.



NEENA BANSAL KRISHNA, J

MARCH 27, 2025/va