

A vs.s

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SooperKanoon Citation : sooperkanoon.com/1211988

Court : Delhi

Decided On : Jan-12-2018

Appellant : A

Respondent : S

Judgement :

\$~29 * % + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

12. h January, 2018 CM(M) 1184/2017 A S

... Petitioner

in person.

... Petitioner

Through: versus Through: Respondent in person. Respondent CORAM: HON'BLE MR. JUSTICE J.R. MIDHA JUDGMENT (ORAL) The petitioner has challenged the impugned order dated 24th May, 1. 2016 whereby the learned Family Court has awarded interim maintenance of Rs.3,000/- per month to the respondent apart from legal expenses of Rs.11,000/-.

2. The petitioner instituted a petition for dissolution of marriage against the respondent on 08th January, 2013 in which the respondent filed an application under Section 24 of the Hindu Marriage Act. Both the parties filed their affidavits of assets, income and expenditure. The record of the Family Court has been received and the affidavits have been perused.

3. The petitioner has filed his affidavit in which he has claimed that he is earning Rs.5,000/- per month in his business loading and unloading of machines. The respondent is a post graduate having qualification of M.A. CM(M) 1184/2017 Page 1 of 2 but is not earning any amount.

4. The learned Family Court held that it is not believable that the petitioner would earn Rs.5,000/- which is much below the minimum wages payable to the unskilled worker. The learned Family Court took the minimum wages of Rs.9,000/- per month and awarded Rs.3,000/- per month as maintenance.

5. The petitioner present in person submits that the respondent worked as a Teacher in a primary school for 10 years which has not been considered by the learned Family Court. The respondent present in Court submits that she worked as a Teacher prior to her marriage but did not work after marriage and is not earning any amount now.

6. The petitioner further submits that he has withdrawn the petition for dissolution of marriage on 12th April, 2017. In that view of the matter, the petitioner would be liable to pay the maintenance up to the date of withdrawal of the petition. The withdrawal of the petition would not absolve the petitioner for paying the maintenance up to the date of the withdrawal.

7. There is no infirmity in the impugned order passed by the learned Family Court.

8. 9. The petition is dismissed. The record of the learned Family Court be returned forthwith.

10. Copy of this judgment be given dasti to the parties under signature of Court Master. JANUARY12 2018 ak J.R. MIDHA, J.

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