

Atul Sharma vs.deepti Sharma

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Court : Delhi

Decided On : Oct-30-2018

Appellant : Atul Sharma

Respondent : Deepti Sharma

Judgement :

\$~15 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of Judgment:

30. h October, 2018 + MAT.APP.(F.C.) 150/2018 & C.M.26711/2018 ATUL SHARMA Appellant Through: Ms.Jyoti Gupta, Advocate with appellant in person. versus DEEPTI SHARMA Respondent Through: Ms.Kirat Randhawa, Advocate with respondent in person. CORAM: HON'BLE MR. JUSTICE G.S. SISTANI HON'BLE MS. JUSTICE JYOTI SINGH G.S. SISTANI, J.

(ORAL) 1. The present appeal is directed against the order dated 05.04.2018 passed by the Family Court on an application filed by the respondent under Section 24 of the Hindu Marriage Act seeking maintenance for herself and her minor son, who is 5 years of age. We may note that the Family Court has awarded maintenance at the rate of Rs.15,000/- per month. Learned counsel for the appellant has strongly urged before this Court that the Family Court has failed to take into account that the appellant is doing panditai and is earning only Rs.6,000/- per month. It is submitted that the Family Court has lost sight of the fact that for a MAT.APP(F.C.)150/2018 Page 1 of 4 person who is earning Rs.6,000/- per month, it is impossible for him to pay maintenance of Rs.15,000/- per month. Learned

counsel also contends that the affidavit placed on record would show that the respondent claims that she is spending Rs.10,000/- on groceries/food/personal care and clothing whereas admittedly she is residing at her parental house with her mother, brother and her sister-in-law. Thus, in case, the amount of Rs.10,000/- is being spent on food and groceries then the same is to be divided amongst five persons. Counsel for the appellant further contended that this amount is borne by her brother.

2. Counsel for the respondent submits that there is no infirmity and illegality in the impugned order. She further submits that it is unbelievable that a person who is a post-graduate and MBA earns only Rs.6000/- per month. It is contended that in addition to performing Pooja, the appellant also runs various centers like Saparya Vastu Astro Research & Training Centre, Vartamana India Prediction Pvt. Ltd., Saparya Vastu Astro Point, Satyam Gamay and Shandilya Prakashan, which are being run by him and his family members. In addition, he is an editor in Satyam Gamay. It is submitted that he is author of various books including a book namely Rig-Vediya Sri Sukta, which has been produced before us. Counsel further submits that it is extremely difficult for the respondent to maintain herself and her 5 years old son and her presence in the house of her brother is also causing a rift amongst them.

3. We have heard learned counsels for both the parties and carefully examined the impugned order. MAT.APP(F.C.)150/2018 Page 2 of 4 4. The Honble Supreme Court in the case of Jasbir Kaur Sehgal (Smt.) v. District Judge, Dehradun and Ors., reported at (1997) 7 SCC7 has also recognized the fact that spouses in the proceedings for maintenance do not truthfully disclose their true income and therefore some guess work on the part of the Court is permissible. Further the Supreme Court has also observed that considering the diverse claims made by the parties one inflating the income and the other suppressing an element of conjecture and guess work does enter for arriving at the income of the husband. It cannot be done by any mathematical precision 5. Taking note of the submissions made by the learned counsels for the parties, we find that the Family Court has rightly observed that the appellant is concealing his true income. We also find that this conclusion has rightly been reached by the Family Court, for the reason that

the appellant claims that although he is post-graduate but he earns only Rs.6,000/- per month. We may note that during the course of hearing the appellant has denied that he is author of any book till the time, a copy of which was handed over in Court. It may be noted that the appellant has admitted that he was a director in Vartamana Prediction Private Limited from where he has resigned. However, counsel submits that the appellant was in fact a promotor of the said company. A reading of the impugned order shows that the appellant is part of magazine Satyam Gamay which has of course been denied by the appellant but looking into the book, which he has published, we have no reason to disbelieve that the appellant is editor of the aforesaid magazine. We find that the appellant has concealed his true income and MAT.APP(F.C.)150/2018 Page 3 of 4 there is no infirmity or illegality in the order dated 05.04.2018 passed by the family Court.

6. In view of the aforesaid observations, the appeal alongwith the pending application stand dismissed. G.S.SISTANI, J.

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