

Sushil Kumar Gupta Vs. Reena Gupta

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Court : Delhi

Decided On : Sep-26-2003

Reported in : 2003VIIIAD(Delhi)17; AIR2004Delhi149; 107(2003)DLT262; II(2003)DMC656; 2003(71)DRJ47

Judge : R.S. Sodhi, J.

Acts : Hindu Marriage Act - Sections 24

Appeal No. : Civil Misc. (Main) 732 of 2001 and Civil Misc. 93 of 2003

Appellant : Sushil Kumar Gupta

Respondent : Reena Gupta

Advocate for Def. : Arun Aggarwal and ; Pallav Saxena, Advs.

Advocate for Pet/Ap. : Jagjit Singh, Adv

Disposition : Application dismissed

Judgement :

R.S. Sodhi, J.

1. C.M.(M) 732 of 2001 is directed against the order of the Additional District Judge dated 11.10.2001 in H.M.A. No. 413/2001 whereby the learned Judge has fixed maintenance under Section 24 of the Hindu Marriage Act at Rs. 20, 000/- per

month together with litigation expenses of Rs. 15, 000/-.

2. Learned counsel for the petitioner contended that the amount fixed towards maintenance is excessive and that the criteria adopted by the learned Judge is contrary to law inasmuch as the learned Judge has taken into consideration the income and status of the elder brother of the petitioner, Radhey Kishore Gupta, while arriving at the conclusion that the petitioner is a man of means. It was also contended that the respondent on her own showing, had made a statement in a writ petition that her income is Rs. 6, 000/- which amount has also been ignored as also a sum of rupees one lac given by the petitioner. Learned counsel has drawn my attention to an application, being C.M. No. 93/2003, for modification of order dated 3.1.2002 passed by this court wherein this court, in an ex parte order, had allowed the petitioner to pay an interim maintenance at the rate of Rs. 10, 000/- per month and Rs. 10, 000/- towards litigation expenses. By way of modification, counsel submits that the petitioner is unable to pay the amount stated above and that the petitioner will pay only Rs. 1, 000/- per month towards maintenance.

3. I have carefully gone through the order under challenge as also the material placed on record. I find that the order of the trial court is a detailed one setting out the factors taken into consideration while arriving at the figure of Rs. 20, 000/- per month. The trial court has returned a finding that the petitioner is running a business in partnership with his brother, Radhey Kishore Gupta, who is a man of considerable means. Even otherwise, the petitioner is running a business in partnership with Avinash Jain at Palam Colony with the name of 'Amit Brothers' which has a business of manufacturing and selling automatic jet pumps, the turnover whereof is said to be approximately rupees two crores. The petitioner also owns an agency having luxury coaches and cars from where he generates an income of rupees four to five crores besides other businesses from where he receives substantial income. On the other hand, respondent's income of Rs. 6, 000/- was only temporary in nature as she was working against a leave vacancy which is no longer available and that Rs. 80, 000/- out of rupees one lac has been spent on litigation.

4. On a careful analysis of the judgment under challenge, I find that the trial court has considered the factors complained of by counsel for the petitioner. The trial court on consideration thereof has given cogent reasons to arrive at its conclusion. The judgments, namely, S.P.Chengalvaraya Naidu by LR v. Jagan Nath by LR & ORs. : AIR 1994 SC853 , Baby Rashmi Mehra v. Sunil Mehra & ORs. : AIR1991 Delhi44 , Shakti Pershad v. Ratna Pershad, : 102(2003)DLT756 , Smt. Neelam Malhotra v. Rajinder Malhotra : AIR1994 Delhi234 , Iqbal Kaur v. Gurdev Singh : 71(1998)DLT277 , K.Lalchandani v. Meenu Lal Chandani, : 68(1997)DLT712 , Manmohan Lal v. Suman Lal : 63(1996)DLT772 , Pushpa Kathju v. Amit Mohan S.Dahiya Badshad : 62(1996)DLT525 , Devdutt Singh v. Smt. Rajni Gandhi, AIR 1984 Del.320 and Pominder Kumar Chabra v. Asha Devi : 70(1997)DLT764 , cited by counsel for the petitioner do not advance his case sine the elementary principles have been followed by the trial court. I find no ground to interfere with the same. The order dated 11.10.2001 of the trial court is upheld. C.M.(M) 732 of 2001 is dismissed. As regards the application, C.M. 93/2003, for modification of order this court dated 3.1.2002, the same is also dismissed in view of the fact that the order of the trial court dated 11.10.2001 is upheld.

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