

Devender Bhardwaj Vs. Saroj Bhardwaj

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Court : Delhi

Decided On : Sep-23-2011

Judge : J.R. Midha, J.

Acts : Code of Civil Procedure (CPC) - Order 21 Rule 41(2)

Appeal No. : CM(M) 831/2009

Appellant : Devender Bhardwaj

Respondent : Saroj Bhardwaj

Advocate for Def. : Mr. Ritesh Bahi; Mr. Randeep Kumar; Mr. Jagvinder Singh, Advs.

Advocate for Pet/Ap. : Mr. Pramod Ahuja; Dr. N. Pradeep Sharma, Advs.

Judgement :

1. The petitioner has challenged the order of the learned Trial Court whereby the learned Trial Court has awarded maintenance @Rs.9,000/- per month to the respondent for herself and `7,000/- per month for her minor daughter. The petitioner is seeking reduction of the maintenance amount.

2. The parties were married on 30th January, 2000 and they stayed together till 12th December, 2007. The petitioner is running a chemist shop and his income as per the last Income Tax Return is `30,385/- per month including the rental income

of `15,000/- per month. The petitioner has received a sum of `6,93,720/- as compensation for agricultural land. The petitioner and his family owns 3.25 acres of agricultural land in Old Faridabad. The petitioner has a flat in Sukhdev Vihar and a house in Sarai Jullena. The petitioner owns a Tata Safari Car and two credit cards. Taking all the aforesaid facts into consideration, the learned Trial Court presumed the income of the petitioner to be not less than `50,000/- per month.

3. Vide order dated 29th July, 2011, the parties were directed to file the affidavit of their assets and income in Form 16A, Appendix E, under Order XXI Rule 41(2) of the Code of Civil Procedure within two weeks. The said period of two weeks expired on 12th August, 2011. However, the petitioner has not cared to file the said affidavit. The respondent has filed her affidavit dated 10th August, 2011 in which she has stated that she has no source of livelihood and is dependent upon her father. The petitioner has not even cared to file the response to the affidavit of the respondent.

4. In the facts and circumstances of this case and considering the non-compliance of the order dated 29th July, 2011 by the petitioner, the impugned order does not warrant any interference.

5. The petition is, therefore, dismissed.

6. Copy of this order be given 'Dasti' to learned counsels for both the parties under signature of Court Master.

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