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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 611/2019

GAURAV SHARMA ..... Petitioner

Through Mr. Deepak Anand, Advocate  
(DHCLSC)

versus

CHERRY @ MEENA SHARMA & ANR ..... Respondents

Through None.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

% **22.05.2019'**

**Crl.M.A.10986/2019 (exemption)**

Exemption is allowed subject to all just exceptions.

**CRL.REV.P. 611/2019 & Crl.M.A. 10985/2019,**  
**Crl.M.A.10987/2019 (for condonation of delay)**

1. Petitioner impugns judgment dated 25.01.2019, whereby, maintenance payable by the petitioner has been assessed at Rs.8,000/-, i.e., Rs.4,000/- for each of the petitioners.

2. Learned counsel for the petitioner submits that the Trial Court has erred in assuming the income of the petitioner at Rs.20,000/- per month. He submits that evidence was produced before the Trial Court to prove that the petitioner was working as a sales person and earning only Rs.13,000/- per month. However, the Trial Court ignored the evidence and assumed the income at Rs.20,000/- per month solely on

the premise that the minimum wage payable in Delhi was more than Rs.15,000/- per month.

3. Learned counsel for the petitioner further submits that the Trial Court has erred in apportioning the income of the petitioner in the manner the Trial Court has done. He submits that apart from the respondents, there is also one minor son, who is in the custody of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner had paid interim maintenance @ Rs.4,000/- per month, i.e., Rs.2,000/- for each of the respondents.

5. Issue notice to the respondents, returnable on 26.09.2019.

6. In the meantime, subject to petitioner paying maintenance @ Rs.5,000/- per month to the respondents, execution of the impugned order shall remain stayed till the next date of hearing.

7. Order *Dasti* under signatures of the Court Master.

**SANJEEV SACHDEVA, J**

**MAY 22, 2019**  
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