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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.REV.P.(MAT.) 135/2024

DEEPAK KANOJIA

.....Petitioner

Through: Ms. Meera Kaura Patel and Ms. Ritika
Saini, Advocates

versus

REETA & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.12.2024

CRL. M.A. 36742/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The applications stand allowed.

CRL.REV.P.(MAT.) 135/2024 & CRL. M.A. 36740/2024 (condonation of delay), CRL. M.A. 36743/2024 (stay) & CRL. M.A. 36741/2024

3. The present petition has been filed under Sections 438, 442 read with Section 528 BNSS, 2023 against the order dated 25.07.2024 whereby the learned Judge, Family Courts -01 (North-East), Karkardooma Courts, Delhi had awarded maintenance to the extent of Rs. 12,000/- per month to the two children of the petitioner i.e. respondent nos. 2 and 3 with effect from the date of filing of the present petition till both of them attain the age of majority.
4. Learned counsel appearing for the petitioner submits that the learned Judge, Family Court has failed to appreciate that the petitioner used to earn



Rs. 25,000/- earlier when he was directed to pay *ad-interim* maintenance of Rs. 12,000/- to the respondent nos. 2 and 3 but now he is earning only 12,000/- per month.

5. She submits that the learned Judge, Family Court has not taken into account that both parents of respondent nos. 2 & 3 are earning. Respondent no. 1 (wife) is also expected to contribute towards the maintenance of the children.

6. She invites attention of the Court to the testimony of RW-5, who is the current employer of the petitioner, to contend that the said witness has testified to the effect that he is paying salary to the petitioner to the tune of Rs. 10,000/- per month only.

7. In view of the above, issue notice to the respondents by all permissible modes, returnable on 20.03.2025.

8. The respondents may approach the Secretary, Delhi High Court Legal Services Committee (DHCLSC) for the purpose of legal aid in the present case. In the event, the respondent no. 1 so approaches the Committee, the Secretary is requested to nominate a counsel for the respondents, as per rules.

9. Renotify on 20.03.2025.

VIKAS MAHAJAN, J

DECEMBER 6, 2024
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