



which was irrelevant for determining her right to maintenance under Section 125 of the Cr.P.C. We are of the opinion that this is against the provision aforesaid as the income of the wife is indeed a relevant consideration. We also see from the order of the High Court that it does not give any reasons for overturning the order of the Family Court. We, accordingly, set aside the impugned order insofar as it directs the payment of Rs. 5,000/- per month to the respondent wife. However, payments made to the wife pursuant to the orders of this Court dated 16<sup>th</sup> July, 2000 will remain with her. We, further, direct that any other amounts deposited in the High Court shall also be paid to the wife forth with. The parties are directed to appear before the Family Court on 25<sup>th</sup> November, 2010, for reconsideration of the matter.

4. The appeal stands disposed of in the aforesaid terms.

J

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[HARJIT SINGH BEDI]

J

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[CHANDRAMAULI KR. PRASAD]

NEW DELHI  
OCTOBER 25, 2010.

JUDGMENT

