

responsibility to look after his aged parents.

It is argued on behalf of respondent no.1 that the petitioner is well qualified, having professional experience and is capable of earning decent income for herself. It is further argued that though the alleged unemployment of petitioner was disputed, even though it was assumed that petitioner is not working anywhere then also she is not entitled to any maintenance from respondent no.1 as the tendency of a well qualified spouse having the earning capacity but desirous of remaining idle has been deprecated by Superior Courts. Reliance is placed on the judgment of Hon'ble High Court of Delhi in Rupali Gupta Vs. Rajat Gupta 2016 (234) DLT 693 and judgment of Hon'ble High Court of Madhya Pradesh in Mamta Jaiswal Vs. Rajesh Jaiswal II (2000) DMC 170.

Considering the submissions of both the parties and the educational and professional qualification of the petitioner, in the opinion of the court she ought to earn to maintain herself.

In view of the above said judgment of the Hon'ble High Court of Delhi in Rupali Gupta Vs. Rajat Gupta 2016 (234) DLT 693, petitioner is not entitled to any interim maintenance, at this stage.

Nothing expressed herein shall tantamount to an expression of opinion on the merits of the case.

Put up for CE by way of affidavit on 01

Copy of the order be given dasti to both the parties.

(Manisha Tripathy)

MM (Mahila Court-04)

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