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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010370332026
+ **CRL.M.C. 5879/2026 & CRL.M.A. 24522/2026, CRL.M.A. 24523/2026, CRL.M.A. 24524/2026**

SUNIL

.....Petitioner

Through: Mr. Milan Laskar, Ms. Rameeta Kumari, Mr. Prabhjot Singh, Advs.

versus

PINKI RANI & ANR.

.....Respondents

Through: None.

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

ORDER
12.08.2026

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') read with Article 227 of the Constitution of India, seeking setting aside of the common order dated 29.05.2026 passed by the learned Principal District and Sessions Judge, East District, Karkardooma Courts, Delhi, in **Misc. DJ (Crl.) No.41/2025** and **M. No.53/2025**.
3. Briefly stated, the marriage between the petitioner and the respondent was solemnised on 07.07.2014 and a male child, namely, Abhiman, was born from the wedlock on 30.06.2015. The respondent instituted proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005



(hereinafter, referred to as the ‘DV Act’) along with an application under Section 23 of the said Act seeking interim maintenance. The application for interim maintenance was dismissed by the learned Metropolitan Magistrate *vide* order dated 23.04.2024, principally on the ground that the respondent had not disclosed her employment particulars in the income affidavit filed by her and had disclosed her employment since the year 2018-19 only during the course of arguments.

4. Aggrieved by the aforesaid order, the respondent preferred ***Criminal Appeal No.88/2024*** wherein the respondent gave up her claim for interim maintenance for herself and sought maintenance for the minor child. *Vide* judgment dated 26.11.2024, the learned Appellate Court partly allowed the appeal and awarded interim maintenance of ₹20,000 per month in favour of the minor child from the date of filing of the interim maintenance application on 05.11.2016. The respondent was directed to contribute ₹5,000 per month, while the petitioner was directed to contribute ₹15,000 per month. It was further directed that any amount already paid by the petitioner towards maintenance be adjusted while computing the arrears.

5. The petitioner challenged the judgment dated 26.11.2024 before this Court in ***CRL.REV.P. 54/2025*** which was *vide* order dated 07.02.2025 dismissed. The ***SLP (Crl.) No. 6223/2025*** preferred by the petitioner against the said order was also dismissed by the Hon’ble Supreme Court *vide* order dated 02.05.2025.

6. Thereafter, a dispute arose during the execution proceedings regarding the commencement of the maintenance liability. While the respondent sought prospective application of her contribution of ₹5,000 per month, the petitioner sought clarification regarding the commencement of his liability and



adjustment of the amounts already paid by him.

7. Both applications were dismissed *vide* the impugned common order dated 29.05.2026. The learned Principal District and Sessions Judge observed that the applications were barred by limitation and were not accompanied by any application seeking condonation of delay. It was further observed that the judgment dated 26.11.2024 had attained finality upon dismissal of the proceedings before this Court and the Hon'ble Supreme Court and could not be reviewed, modified or reopened. The parties were accordingly directed to comply with the judgment dated 26.11.2024,

8. By way of the present petition, the petitioner seeks clarification regarding the date from which the interim maintenance awarded in favour of the minor child is payable and adjustment of the amounts stated to have already been paid by him.

9. Learned counsel for the petitioner submits that the petitioner does not dispute the entitlement of the minor child to interim maintenance. His grievance is confined to the date from which his contribution of ₹15,000 per month is payable and the adjustment of the amounts already paid by him.

10. It is submitted that the quantum of interim maintenance was determined having regard to the income of the parties and the educational requirements of the minor child as prevailing in the year 2024. The petitioner's basic pay was ₹44,900 in the year 2016, whereas his income in the year 2024 was approximately ₹90,000 per month. Further, the minor child was not of school-going age in the year 2016. It is, therefore, contended that the circumstances considered while determining the quantum in the year 2024 could not have been applied retrospectively from 05.11.2016.

11. Learned counsel further submits that the petitioner was the sole earning



member of his family and had several dependent family members. Despite his financial obligations, he voluntarily paid ₹5,000 per month towards the maintenance of the minor child for a substantial period. It is submitted that the amounts already paid by him are liable to be adjusted while computing the arrears in terms of the judgment dated 26.11.2024.

12. It is further submitted that the respondent had herself sought prospective application of her contribution of ₹5,000 per month from the date of the judgment. According to the petitioner, this itself demonstrates that clarification regarding the commencement of the respective maintenance liabilities was required.

13. Learned counsel for the petitioner further submits that the minor child was not arrayed as a party to the original proceedings instituted before the learned Mahila Court and was brought into the proceedings only at the appellate stage.

14. This Court has heard the learned counsel for the petitioner and has perused the material placed on record.

15. The principal issue before this Court is whether the direction contained in the judgment dated 26.11.2024 as to the date from which interim maintenance is payable requires any clarification.

16. There is no uncertainty either as to the commencement of the maintenance liability or the amount payable by the parties. Though the application filed by the petitioner was described as one seeking clarification, the relief sought therein was that his liability of ₹15,000 per month should commence from 26.11.2024 instead of 05.11.2016. Grant of such relief would alter the substantive direction contained in the judgment dated 26.11.2024 and cannot be granted under the guise of clarification. The nature of an application has to be determined from the relief sought and not merely from the



description given to it. The judgment dated 26.11.2024 has attained finality, having remained undisturbed despite the subsequent challenges. The inherent jurisdiction under Section 528 of the BNSS cannot be invoked to reopen an issue which already stands concluded.

17. The contention that the minor child was not a party to the original proceedings cannot be permitted to be raised again. The said contention was considered and rejected by this Court while dismissing the petitioner's earlier revision petition. It was held that Section 20 of the DV Act expressly empowers the Court to grant monetary relief in favour of the child of the aggrieved person. The issue has, therefore, attained finality and cannot be reopened in the present proceedings under the guise of seeking clarification.

18. The submissions regarding the petitioner's income in the year 2016, the age and requirements of the minor child at that time and the petitioner's other financial responsibilities do not disclose any ambiguity in the judgment. These submissions question the correctness of making the award effective from the date of the application and relate to the merits of the direction itself. Such grounds were available to the petitioner when he challenged the judgment dated 26.11.2024 and cannot now be raised to seek a modification of that judgment.

19. Even otherwise, in **Rajnish v. Neha, (2021) 2 SCC 324**, the Hon'ble Supreme Court directed that maintenance shall, in all cases, be awarded from the date of filing of the maintenance application before the concerned court. The direction in the judgment dated 26.11.2024 making the interim maintenance payable from the date of the application is in consonance with the said principle.

20. The fact that the respondent had also sought prospective application of



her contribution does not advance the case of the petitioner. Her application was also in the nature of seeking modification of the judgment and was dismissed by the impugned common order. The filing of such an application by the respondent cannot create an ambiguity in an otherwise clear direction or confer any right upon the petitioner to seek the same relief.

21. Insofar as the adjustment of the amounts stated to have been paid by the petitioner is concerned, the judgment dated 26.11.2024 itself directs that any maintenance already paid by him shall be adjusted while computing the arrears. The impugned order has also left the said issue to be determined by the learned Trial Court on the basis of the evidence produced by the parties. No further clarification is required in this regard.

22. In view of the aforesaid, this Court finds no illegality, perversity or jurisdictional error in the impugned common order dated 29.05.2026. Therefore, no ground for interference with the said impugned order is made out.

23. Accordingly, the petition is dismissed. Pending application(s) if any, also stand(s) disposed of.

24. A copy of this order be sent to the learned trial court for necessary action and compliance.

25. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 12, 2026/PRG/PG