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

+ **CRL.M.C. 127/2015.**

**SANJAY MALIK**

Through Mr.J.P.Sengh, Sr.Adv. with  
Mr.Sanjay Kr. Singh, Adv. .... Petitioner

versus

**PRIYA MALIK**

Through None .... Respondent

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN SINGH**

**ORDER**

% **14.01.2015**

**Crl. M.A. No.556/2015 (exemption)**

Exemption allowed, subject to just exceptions.

The application is disposed of.

**Crl. M.C. No.127/2015 & Crl. M.A. No.555/2015**

The respondent has filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short, called the "Act") against the petitioner and his family members, alleged therein that the petitioner and his members have subjected her with cruelty. Admittedly, the marriage between the petitioner and the respondent was solemnized according to Hindu Rites and Ceremonies on 6<sup>th</sup> February, 2003. In the year 2009, some disputes arose between the parties. Therefore, the respondent filed the above said complaint under Section 12 of the Act. By

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order dated 22<sup>nd</sup> October, 2013, the learned MM awarded an interim maintenance of Rs.5,000/- and Rs.3,000/- for rent payable by the petitioner to the respondent. The petitioner challenged the said order by filing of an appeal under Section 29 of the Act. The said appeal was dismissed, mainly, on the reason that since there is no compliance on behalf of the petitioner, the appeal was liable to be dismissed.

Learned Senior counsel appearing on behalf of the petitioner submits that without prejudice, the petitioner would comply the order dated 22<sup>nd</sup> October, 2013 by paying the maintenance up-to-date. However, he states that the respondent is not entitled for the rent awarded by the learned MM by the said order, as the respondent owns a flat which fact has been suppressed by the respondent in her affidavit.

Be that as it may, without prejudice, the petitioner shall strictly comply with the order dated 22<sup>nd</sup> October, 2013. The undertaking is given on behalf of the petitioner to comply with the said order, within a period of two weeks from today. On compliance subject to the satisfaction of the Appellate Court, liberty is granted to the petitioner to move an application for revival of the appeal to be heard on merits by the Appellate Court. The aspect of rent will also be decided by the said Court.

The petition is accordingly disposed of. Dasti.

JANUARY 14, 2015/ka

  
MANMOHAN SINGH, J.