

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

Date of Decision: April 08, 2015

+ CRL.M.C. 1366/2015 & Crl. M.A.Nos.5000-5001/2015

NEERAJ BHASIN

..... Petitioner

Through: Mr. S.D. Sudhi, Mr. Rakesh
Raushan, Mr. B.K. Pardha &
Mr. Vineet, Advocates

versus

SUMANA BHASIN

..... Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In proceedings under the *Protection of Women from Domestic Violence Act, 2005*, petitioner seeks a direction to respondent to produce proper calculation in respect of outstanding amount payable and assails the order of 25th February, 2015 which maintains trial court's order of 16th September, 2013 vide which petitioner has been directed to pay maintenance of ₹12,500/- per month to his younger son.

At the hearing, learned counsel for petitioner submitted that the younger son of petitioner is residing with him and so, there is no justification for the trial court to direct petitioner to pay maintenance of ₹12,500/- per month to his younger son. It was brought to the notice of this Court that vide order of 4th April, 2011, a Coordinate Bench of this

Court has already directed expeditious disposal of pending petition under the *Protection of Women from Domestic Violence Act, 2005* and now the matter is coming up for hearing before the trial court on 27th April, 2015 for final arguments.

Upon hearing and on perusal of the impugned order and the material on record, I find that extra ordinary inherent jurisdiction under Section 482 of the Cr.P.C. is not required to be exercised when proceedings under the *Protection of Women from Domestic Violence Act, 2005* are at the fag end. Vide impugned order, interim maintenance only has been fixed. So far as the prayer for calculation of the outstanding amount is concerned, the same is to be dealt with by the Executing Court.

Learned counsel for petitioner submits that arrears of maintenance are of ₹1,37,978.06-, which petitioner would be depositing with the learned Executing Court.

Petitioner ought to do so.

In the facts and circumstances of this case, this Court refrains from exercising its extra ordinary inherent jurisdiction to interfere with the impugned order, as the proceedings under the *Protection of Women from Domestic Violence Act, 2005* are at the fag end.

This petition and applications are disposed of with direction to trial court to decide the complaint within four weeks from the date fixed.

Trial court to submit compliance report.

(SUNIL GAUR)
JUDGE

APRIL 08, 2015

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