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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4432/2013**

SMT MADHU TANEJA Petitioners
Represented by: Mr. J.C. Mahindro, Adv.

Versus

STATE & ORS Respondents
Represented by: Mr. Arun Kr. Sharma, APP for
State.
Mr. Sumit Bansal and Mr. Vikram Singh, Adv.
for R2.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

ORDER
% **13.01.2016**

1. Vide the present petition, petitioner has assailed the order dated 22.06.2012 passed by ld. Metropolitan Magistrate, Mahila Court in complaint case no. 2422/1/2008 and order dated 26.08.2013 passed in CrI. A. 256/4/13.
2. Ld. Counsel appearing on behalf of the petitioner submits that vide order dated 22.06.2012, ld. Metropolitan Magistrate, Mahila Court refused to grant maintenance to the petitioner under Section 12 of Protection of Women against Domestic Violence, Act 2005 by recording therein that she had already been awarded an amount of Rs.5,500/- per month as maintenance under Section 125 Cr.P.C.
3. Being aggrieved, the petitioner challenged the aforesaid order in

appeal mentioned above and same was also dismissed vide order dated 26.08.2013.

4. Ld. Counsel submits that petitioner is aggrieved by the observation of Id. MM made in the aforesaid order that the petitioner is not aggrieved. If this opinion is taken into consideration at the time of final disposal of the petition under Section 12 of Protection of Women against Domestic Violence, Act 2005, then the fate of the petition will remain same.

5. It is not in dispute that the petitioner is entitled for maintenance as well as expenses for accommodation under Section 12 of the said Act, if she is able to establish her case and claim under the Act.

6. As informed by the counsel for the petitioner that earlier petitioner was receiving an amount of Rs.5,500/- towards maintenance under Section 125 Cr.P.C., thereafter, petitioner filed an Appeal against order passed by Id. MM and the said amount was enhanced to Rs.15,000/- per month, which she is getting from the respondent.

7. The petitioner filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 on 09.09.2008, which is pending for disposal and the next date of hearing is fixed on 19.01.2016.

8. Therefore, keeping in view the facts of the present case and that the said petition was filed in the year 2008, the Trial Court is directed to dispose of the same preferably within six months from the next date of hearing without being influenced on the observations made in its interim order.

9. In view of above, present petition stands disposed of.

10. A copy of this order be sent to the concerned court for compliance.

SURESH KAIT, J

JANUARY 13, 2016

jg