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

+ **CRL.M.C. 3683/2015**

MOHD. NAEEM AHMED Petitioner

Represented by: Mr. R.K. Bhardwaj and
Mr. Dheeraj Bhardwaj,
Advocates.

Versus

SHAHEEN RUSTAM Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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11.01.2016

CRL.M.C. 3683/2015 & CrI. M.A. No.13055/2015 (for stay)

1. Vide the present petition, the petitioner seeks directions thereby setting aside the impugned order dated 14.05.2015 passed in Criminal Appeal No.84/14 as well as order dated 04.12.2014 passed in Criminal Complaint No.168/6/13.
2. Vide order dated 04.12.2014, the learned Trial Court while assessing the salary of the petitioner as Rs.32,913/-, directed the petitioner to pay an amount of Rs.10,000/- per month as interim maintenance, which also included the residence orders from the date of filing of the petition, i.e., 24.09.2013 till she is legally entitled to receive the same or the final disposal of the case pending under Section 23 of the Domestic Violence Act.
3. Being aggrieved, the petitioner challenged the same vide Criminal Appeal Nos.84/14 and 12/15, however, the same was dismissed vide order dated 14.05.2015.
4. After some arguments, learned counsel appearing on behalf of the

petitioner, on instructions, submits that he does not press the instant petition as the petitioner will pursue the case before the Trial Court to get the complaint disposed of at the earliest, however, submits that the petitioner had paid an amount of Rs.2,00,000/- at the time of granting bail by this Court vide order dated 27.05.2015 passed in Bail Application No.1539/2014, which is lying with the Registrar General of this Court. He further submits that though petitioner had paid a sum of Rs.40,300/- by cheque dated 10.07.2013 to the respondent as *Mehar* and for maintaining the period of *Iddat*, but admittedly, the said amount has not yet been encashed by the respondent. The petitioner also paid an amount of Rs.50,000/- before the learned Trial Court as an interim maintenance.

5. Learned counsel submits that the aforementioned amounts of Rs.2,00,000/- and Rs.50,000/- paid before this Court at the time of granting bail and before the learned Trial Court for interim maintenance respectively be adjusted in the arrears of maintenance.

6. I order accordingly.

7. Consequently, the petitioner is directed to pay the arrears of maintenance after deducting the aforesaid amount of Rs.2,50,000/- to the respondent as per the directions contained in the order dated 04.12.2014.

8. The respondent is at liberty to withdraw the amount of Rs.2,00,000/- with interest accrued thereon on taking steps which is lying with the Registrar General of this Court.

9. In view of the above observations, the present petition alongwith pending application stands disposed of.

SURESH KAIT, J.

JANUARY 11, 2016/sb