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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4748/2016**
POONAM SHARMA & PINKI & ANR. Petitioners
Represented by: Mr. A.K. Singh, Adv.

versus

VIVEK SHARMA & ANR. Respondents
Represented by: None.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

% **ORDER**
20.12.2016

Crl. M.A. No. 19763/2016 in CRL.M.C. 4748/2016.

Exemption allowed subject to just exceptions.

CRL.M.C. 4748/2016.

1. The petitioner filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'The Act') before the learned Metropolitan Magistrate alongwith an application under Section 23 of the Act seeking interim maintenance.
2. Vide order dated 15.12.2014, the learned Metropolitan Magistrate while issuing the summons to the respondents as well as protection officer for 27.02.2015 granting interim protection to the petitioner restrained the respondents from dispossessing the petitioner and her daughter from the shared household without due process of law till the next date of hearing.
3. On 27.02.2015, the respondent no. 1 entered appearance and court passed an order directing respondent no. 1 to pay a composite sum of

₹4,000/- per month as interim maintenance to the petitioner and her minor child till disposal of the application for grant of interim maintenance.

4. The grievance of the petitioner in the present petition is limited that till date his application for interim maintenance under Section 23 of the Act has not been decided.

5. This court has perused the order sheets of the learned Trial Court. After the respondent no. 1 entered appearance on 27.02.2015, the interim maintenance was awarded and the matter was listed on 20.06.2015 by which date the respondent had filed the written statement along with affidavit detailing his income. It was further submitted that order dated 27.02.2015 was complied with. On 22.09.2015, the court fixed the matter for 05.12.2015 for arguments on the application for interim maintenance. Learned counsel for the petitioner did not appear despite repeated pass over. On the next date of hearing i.e. 13.01.2016, the application under Section 340 Cr.P.C. was filed and arguments on behalf of parties were heard on the interim application. Matter was listed for clarifications / orders on interim application for 15.02.2016. However in the meantime, the matter was transferred to another court and thus no proceeding could take place. On 15.02.2016, the matter was posted for 30.03.2016 when the learned Presiding Officer was on leave. Vide order sheets dated 09.07.2016 and 22.10.2016, the learned Trial Court, who was assigned the matter, heard the arguments in part and listed the matter for further arguments on the interim application for 04.02.2017. The orders also note that the court was also looking after the work of the court of Ms. Manu Vedwan, learned Metropolitan Magistrate (Mahila Court)-01 and Ms. Amrita Tonk, learned Metropolitan Magistrate-01 as first Link learned Metropolitan Magistrate.

6. Considering the number of matters listed before the court and the fact that every possible effort is being made to dispose off the matter, no further order is required to be passed, hoping and expecting that the application for interim maintenance will be decided expeditiously by the learned Trial Court. The petitions are dismissed.

MUKTA GUPTA, J.

DECEMBER 20, 2016
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