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

+ CRL.M.C. 325/2015

SMT RENU MITTAL

..... Petitioner

Through: Mr. Shiv Charan Garg, Adv.

versus

ANIL MITTAL

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **13.08.2018**

On the petition (CC No. 135/4/2008) of the petitioner, the Metropolitan Magistrate held inquiry into the claim for maintenance allowance to be awarded under Section 125 of the Code of Criminal Procedure, 1973 (Cr.P.C.) against the respondent (husband). The said inquiry resulted in judgment dated 23.11.2012 whereby maintenance allowance in the sum of Rs. 20,000/- per month was granted in favour of the petitioner (wife) from the date of filing of the said petition (10.01.2008), it being payable by 10th of each consecutive month.

The respondent husband challenged the said order before the court of Sessions invoking its revisional jurisdiction by filing petition (Crl. Rev. 110/2014) apparently belatedly. The court of Sessions, while declining the application for condonation of delay by order dated 19.09.2014, at the same time *suo motu* exercised revisional jurisdiction and brought a correction to the order of maintenance reducing it to Rs. 6,000/- per month from the date

of filing of the said petition (10.01.2008) till decision thereupon by the Magistrate (i.e. 23.11.2012) and further Rs. 15,000/- per month from the date of the said order i.e. 23.11.2012 onwards.

The respondent was served by substituted mode in these proceedings. He had entered appearance through counsel on 20.10.2014, who appeared on some subsequent dates but thereafter there has been no appearance on his behalf.

The learned counsel for the petitioner submits that though the petition was primarily filed to question the impugned order of the revisional court on the ground that it could not have been passed after the dismissal of the application for condonation of delay, he presses the present petition under Section 482 Cr.P.C. only to contend that there was no occasion for the amount of the maintenance to be reduced to a sum of Rs. 6,000/- per month for the period 10.01.2008 to 23.11.2012, the petitioner being content presently with the amount of Rs. 15,000/- per month as maintenance though reserving the right to file fresh petition for its upward revision under Section 127 Cr.P.C.

This Court finds merit in the above objection *vis-a-vis* reduction of the maintenance allowance to Rs. 6,000/- per month for the period 10.01.2008 to 23.11.2012. The order of revisional court does not give any justification for such reduction.

Thus, the impugned order of revisional court is modified, the amount of Rs. 15,000/- per month shall remain payable by the respondent (husband) of the petitioner wife under Section 125 Cr.P.C., this responsibility being effective from 10.01.2008 onwards.

The petition is disposed of with these directions.

R.K.GAUBA, J

AUGUST 13, 2018

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