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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3325/2015**

SUSHILA KUMARI Petitioner
Through: Mr. Vikas Sharma, Adv.

versus

SUMIT VERMA & ORS. Respondents
Through: Ms. Shireen Khan, Proxy for Mr.
Rishabh Sahu, Adv. with R-1 in
person.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **31.10.2018**

The present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) arises out of proceedings in the case (no. 297V/2012) pending on the file of Metropolitan Magistrate, it being a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 instituted by the petitioner, *inter alia*, against the first respondent.

The grievance brought to the court at this stage of the proceedings concerns the interim relief in the nature of maintenance allowance, as fixed by the Metropolitan Magistrate and as affirmed by the court of sessions in appeal, it in the submissions of the petitioner, being inadequate.

The record would show that the Metropolitan Magistrate considered the prayer for interim maintenance by order dated 27.11.2012 whereby a composite sum of Rs. 25,000/- per month was fixed by the petitioner and for Deepak (born on 25.11.2009), the child born to the parties out of the

wedlock. The first respondent (the husband) had challenged the said order by criminal appeal no. 32/2013 which was allowed by the first appellate court by order dated 10.05.2013 whereby the matter was remanded for fresh consideration.

The Metropolitan Magistrate thereafter heard the parties afresh and, by order dated 06.12.2013, fixed interim maintenance allowance at Rs. 4,000/- per month for the petitioner and the minor child. The petitioner challenged the said order by criminal appeal no. 27/2014 before the court of sessions but her appeal was dismissed by order dated 18.02.2015.

As per the proceedings recorded on 28.09.2016, the first respondent had voluntarily agreed and expressed his readiness, without prejudice to his rights and contentions to pay an amount of Rs. 10,000/- per month to the minor child of the parties.

The petition has come up for hearing against the above backdrop.

After some hearing, the counsel for first respondent, on instructions from him, he being present in person, submitted that he is ready to pay Rs. 15,000/- per month to the petitioner, this in addition to Rs. 10,000/- per month to the minor child, as interim maintenance during the pendency of the proceedings pending before the Metropolitan Magistrate, without prejudice to the rights and contentions of both parties.

The petitioner is agreeable to this arrangement as an interim measure.

The parties have agreed and submit jointly through their respective counsel, that the liability to pay Rs. 15,000/- per month to the petitioner wife over and above Rs. 10,000/- per month payable as interim maintenance allowance to the minor child would also operate from October, 2016 as was

the date indicated in the proceedings recorded on 28.09.2016. Ordered accordingly. The first respondent agrees and undertakes to pay the arrears on account of this modification in the interim maintenance allowance within a period of four months, as has been agreed upon. The first respondent is bound by the undertakings given. Needful compliance shall be ensured by the Metropolitan Magistrate.

The petition is disposed of in above terms.

R.K.GAUBA, J

OCTOBER 31, 2018

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