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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 1119/2018

PRAVEEN SHARMA & ORS.

.... Petitioners

Through: Mr. Sunil Chaudhary, Advocate

versus

NEHA SHARMA

..... Respondent

Through: Mr. Amit Chauhan & Mr.
Pawan Mudgil, Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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18.12.2018

1. Notice in this petition was issued to the limited effect to the respondent that the Appellate Court had not stated in its judgment dated 1.9.2018 that it had not expressed any opinion on the merits of the case, while disposing of the appeal.

2. Learned counsel for the respondent submitted that the Trial Court evidently has only disposed of the application of the respondent under Section 23 (a) of the Protection of Women from Domestic Violence Act, 2005 for the grant of interim maintenance vide order dated 29.6.2017 holding that the respondent has failed to show that she is aggrieved in the present matter. However, on filing an appeal, the Appellate Court remanded the matter to the Trial Court, with the direction to adjudicate the relief of interim maintenance as well as the application seeking modification of the order dated 8.2.2016

afresh, after affording an opportunity of hearing to both the parties.

3. This Court is of the opinion that the observations made in the judgment dated 1.9.2018 are just *prima facie* opinion. Learned counsel for the respondent, on the query of the Court, admitted this position. It is clarified that none of the observations made by the Appellate Court in its judgment dated 1.9.2018 shall be taken as an expression or the final opinion on the merits of the matter. The Trial Court shall decide the application afresh, on the basis of the material before it, without being influenced by the orders of the Appellate Court.

4. The petition is disposed of, leaving the parties to bear their respective costs.

CHANDER SHEKHAR, J

DECEMBER 18, 2018/

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