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

+ **CRL.REV.P. 474/2014**

RAJINDER @ RAJU

..... Petitioner

Through: Ms. Mallika Parmar, Adv.
(DHCLSC)

versus

STATE & ORS

... Respondents

Through: Ms. Isha Khanna, Adv. for R-2
with Ms. Kiran, mother of R-2
in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **11.01.2019**

1. The present revision petition has been filed by the petitioner under Section 397/401 of the Code of Criminal Procedure, 1973 against the impugned order dated 09.05.2014 passed by learned Special Judge, NDPS (North-East), Karkardooma Courts, Delhi in Criminal Appeal No.01/2014 whereby the learned Additional Sessions Judge set aside the judgment dated 2.12.2013 passed by the Trial Court.

2. Learned counsel for the parties, after some arguments, submitted that the petitioner is ready and willing to pay Rs.7000/- per month as interim maintenance to the respondent No.2 and her two children without prejudice to the rights and contentions of the parties and subject to the outcome of the main petition.

3. Learned counsel for the respondent No.2 submitted that the amount of maintenance offered by the petitioner is not sufficient to meet the monthly requirement of the respondent No.2 and her two children, however, taking into consideration that it is only interim maintenance she will accept the same without prejudice to the rights and contentions of the parties and subject to the outcome of the main petition.

4. Accordingly, impugned order dated 09.05.2014 is modified to the extent that petitioner shall pay an amount of Rs.7000/- per month to the respondent No.2 and her children as an interim maintenance as agreed upon by the parties in the Court today. However, this amount is being offered by the petitioners and accepted by the respondent No.2 without prejudice to the rights and contentions of the parties and subject to disposal of the main petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The petitioner shall clear the arrears within ten months from today calculating the same on the basis of Rs.7000/- per month.

5. Trial Court is also directed to expedite the proceedings of the case and decide the matter preferably within one year. The petitioner shall immediately pay an amount of Rs.7,000/- on 22.1.2019, i.e. the date fixed before the Trial Court, and shall continue to pay Rs.7,000/- as interim maintenance to the respondent No.2 and her both the children till the disposal of the main petition before the Trial Court on or before 7th day of each month in advance.

6. In case the petitioner does not clear the arrears and does not

continue to pay the maintenance to the respondent No.2 and her children as directed above, the Trial Court may pass adverse orders against the petitioner as per law.

7. The petition is disposed of in the above terms.

CHANDER SHEKHAR, J

JANUARY 11, 2019/rk