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

+ **CRL.M.C. 2916/2017 & CRL.M.A. 12133/2017**

GURDAYAL GARGPetitioner

Through: Mr.Kartickay Mathur, Advocate

Versus

YOGESHWARI @ RITURespondent

Through: Mr. Jivesh Kumar Tiwari,
Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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27.03.2019

Trial court vide impugned order of 6th October, 2016 (*Annexure P-6*) has directed petitioner to pay ₹2,500/- per month towards rent to the respondent-*complainant* in lieu of residence order. Appellate court vide impugned order of 5th June, 2017 has affirmed the aforesaid trial court's order.

Learned counsel for petitioner assails the impugned order by pointing out that in the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (*hereinafter referred to as the 'DV Act'*), respondent has not claimed any rent as she is living with her parents. It is also submitted on behalf of petitioner that in any case, the rent is payable from the date of order and not from the date of application.

On the contrary, learned counsel for respondent-complainant submits that in the application under Section 12 of *the DV Act* the

residence order has been sought and in the application for interim relief before the trial court, rent in lieu of the residence has been sought.

Upon hearing and on perusal of impugned order and the material on record, I find that the courts below have rightly directed petitioner to pay the rent to respondent-*complainant* but it is payable not from the date of application but from the date of order. Impugned order stands modified to the aforesaid extent.

Accordingly, this petition and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 27, 2019

v

