

\$~89

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

+ CRL.REV.P. 858/2022, CRL.M.A. 26213/2022, CRL.M.A. 26215/2022

MOHIT BAJAJ

..... Petitioner

Through: Mr. Nagender Deswal, Adv.

versus

MANJU BAJAJ & ANR.

..... Respondents

Through:

%

Date of Decision: 14th December 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 26214/2022 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.REV.P. 858/2022

1. The present revision petition under sections 397 r/w 401 and 482 Cr.P.C. has been filed challenging the order dated 12.09.2022 in Maintenance petition No. 224/2016 titled '*Manju Bajaj & Anr. Vs. Mohit Bajaj*', whereby, the learned Principal Judge, Family Court, Shahdara District, Karkardooma Courts, Delhi, has passed the following directions:

“34. In view of the foregoing discussion, following directions are issued in the present case:-

(i) The respondent shall pay an amount of Rs. 10,000/- per month to petitioner No. 1 as maintenance from the date of filing of the present petition i.e. 04.06.2013 till date of this judgement.

(ii) The respondent shall pay an amount of Rs.8000/- per month to petitioner No.2 as maintenance from the date of filing of the present petition i.e. 04.06.2013 till date of this judgement.

(iii) The respondent shall pay an amount of Rs.12,000/- per month to petitioner No. 1 with effect from the date of this judgement during her life time or till she gets remarried after divorce, if any, from the respondent.

(iv) The respondent shall pay an amount of Rs.10,000/- per month as maintenance to petitioner No.2 with effect from the date of this judgement till the date, petitioner No.2 attains the age of majority or till the date the law requires him to do so, whichever is later.

(v) The respondent shall also pay an amount of Rs.15,000/- as litigation expenses to the petitioners through petitioner No. 1.

vi) The respondent is directed to deposit the above amounts in the bank account of petitioner No. 1. Petitioner No. 1 shall supply particulars of her bank account to the respondent. Arrears be paid within four months from the date of this judgement.”

2. Learned counsel for the petitioner submits that the learned Trial Court has passed the order ignoring the evidence on record. Learned counsel has invited the attention of this Court to *Para 14* of the impugned order whereby the petitioner has specifically stated that he is earning only Rs. 15,000 - 20,000/- per month. Learned counsel submits that it is an admitted case that the respondent-wife did not lead any evidence

as to the income of the petitioner. Learned counsel submits that even presuming that the petitioner is earning Rs. 50,000/- per month, he has to spend a lot of money on himself for carrying out his service obligations.

3. Learned counsel submits that the learned Trial Court has also fallen into a grave error while deciding the maintenance application as the earlier interim maintenance was only Rs. 12,000/- per month.
4. The scope of revisional jurisdiction is very limited. The Courts can exercise its revisional jurisdiction only if there is patent illegality, perversity, jurisdictional error or an error apparent on the face of the record. In revisional jurisdiction, the Courts cannot substitute its opinion with that of the Courts below. Where two views are possible and the trial court has taken one view which is a possible and plausible view, merely because another view is attractive, the High Court should not interfere and would be in error in interfering with the finding of the trial court in its revisional jurisdiction. High Courts cannot reappraise evidence and come to a different conclusion. The revisional jurisdiction operates within narrow limits and can be exercised only in exceptional cases where the interest of public justice require interference for the correction of gross miscarriage of justice. It cannot be exercised because the lower court has taken a different view or misappreciated evidence on record. In absence of any manifest error of law or procedural defects, the High Courts should refrain from interfering with the order of trial court in its revisional jurisdiction. The revisional court does not function as a court of appeal and cannot reappraise evidence. Revisional jurisdiction is

normally exercised only in exceptional cases where there is a glaring defect in the procedure or there is a manifest error of law and consequently there has been a flagrant miscarriage of justice. The High Court cannot interfere with findings of fact of the trial Court.

5. In the present case, the order of the trial court is neither perverse nor is there any manifest illegality. The opinion thus cannot be substituted. I do not find any illegality in the order of the learned Trial Court which requires the interference of this Court. Hence, the petition is dismissed.

DINESH KUMAR SHARMA, J

DECEMBER 14, 2022

Pallavi

