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

+ CRL.REV.P. 29/2021, CRL.M.A. 1143/2021

KAMAL KUMAR

.....Petitioner

Through: Mr. Sanjiv Sharma, Adv.(VC)

versus

REKHA VERMA

.....Respondent

Through: Mr. Gaurav Sharma, Adv. (DHCLSC)
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

07.11.2024

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1. The present criminal appeal has been moved challenging the order dated 18.10.2019 passed by learned Trial Court , MM Mahila Court-02, Shahdara Court, Karkardooma Court and order dated 16.10.2020 passed by the learned ASJ-02/E-Court/Shahdara, KKD/Delhi. Vide order dated 18.10.2019 the court had granted an interim maintenance for the sum of Rs.5,000/- per month to the petitioner and Rs.3,000/- to the child from the date of filing till disposal of the petition.
2. The order was challenged by the respondent before the learned ASJ. Learned ASJ in criminal Appeal No.63/2019 vide order dated 16.10.2020 dismissed the appeal and upheld the order of the learned MM. Aggrieved of this, the present petition was filed.
3. This Court vide order dated 25.01.2021 while issuing the notice stayed the impugned order on the statement that the petitioner is paying the maintenance @Rs.3,500/- per month by virtue of the order



passed by the learned Family Court.

4. Both the parties submit that the interim maintenance of Rs.3,500/- per month granted by the learned Trial Court is regularly being paid by the petitioner to the respondent. It has been submitted that the complaint case under DV Act out of which the present proceedings have been stayed at the stage of evidence.
5. With the consent of the both the parties. The interim maintenance as awarded by the Court vide order dated 18.10.2019 is modified as an ad interim arrangement @Rs.3,500/- per month till the disposal of the petition. However, this ad interim maintenance of Rs.3,500/- month shall be without prejudice to both the parties. Learned Trial Court shall decide the maintenance petition independently, of this order on merits in accordance with the law.
6. Taking into account the evidence being led by the parties.
7. With these observations, the present petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 7, 2024

Pallavi/KR