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

+ CRL.REV.P. 305/2024, CRL.M.A. 7130/2024 and
CRL.M.A. 7131/2024

RAJEEV BAKSHI

..... Petitioner

Through: Ms.Ashu Chaudhary and Mr.Akhil
Dhaka, Advocates

versus

STATE GNCTD & ANR.

..... Respondents

Through: Ms.Shubhi Gupta, APP for State with
SI K. Rana
Mr.Pratyaksh Sikoda, Advocate for respondent
No.2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.03.2024

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1. By way of present petition filed under Section 397 read with Section 482 Cr.P.C., petitioner seeks to assail the judgment dated 30.11.2023 passed by learned Family Court, East District, Karkardooma Courts, Delhi in MT No.261/2022, vide which the maintenance granted to respondent No.2 has been enhanced from Rs.7,500/- to Rs.14,000/- in an application under Section 127 Cr.P.C. preferred by respondent No.2.
2. The petitioner contends that in the said judgement, the claim of the dependent divorced sister has not been taken into consideration.
3. Issue notice.
4. Learned counsels, as mentioned above, accept notice.



5. A perusal of the paper book would show that respondent No.2 had earlier approached this Court by way of revision petition being CRL.REV.P. 792/2018 which came to be disposed of on 03.06.2022. In the said petition, a Coordinate Bench of this Court, while noting the facts of the case, came to the conclusion that in view of the petitioner's take-home salary of Rs.35,000/-, respondent No.2 was entitled to maintenance @ Rs.7,500/- per month. The Coordinate Bench, while granting the said maintenance, also took into account the factum of dependents of the divorced sister. Concededly, the said order has remained unchallenged.

6. Apparently, after passing of the said order, respondent No.2 had again approached the family court with an application under Section 127 Cr.P.C., thereby stating that the salary of the petitioner had increased, with his take-home salary being Rs.70,000/- per month, which is double the amount as was on the date of passing of the order dated 03.06.2022. Taking note of the twofold increase in the salary, the family court has doubled the amount of maintenance vide the impugned order.

In the considered opinion of this Court, the order passed by the family court is justified in the facts of the case and in line with the earlier judgment passed by the Coordinate Bench of this Court.

7. In view of the above, I find no ground to interfere with the impugned order. Accordingly, the petition is dismissed alongwith the pending applications.

MANOJ KUMAR OHRI, J

MARCH 5, 2024/na