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

+ **CRL.M.C. 1315/2022**

DR ALOK KUMAR TIWARI

..... Petitioner

Through: Mr.H.K. Chaturvedi, Ms.Anjali
Chaturvedi, Mr.Sagar
Chaturvedi, Ms.Megha
Chaturvedi and Mr.Ramaditya
Jadon, Advs.

versus

MAMTA

..... Respondent

Through: Mr.Pawan Sharma and Mr.Om
Prakash, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.04.2024

CRL.M.A. 21085/2022

1. For the reasons stated in the application, the delay in filing the rejoinder is condoned.

2. The application stands disposed of.

CRL.M.C. 1315/2022 & CRL.M.A. 5765/2022

3. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') challenging the Order dated 17.05.2019 passed by the learned Metropolitan Magistrate, (Mahila Court), Patiala House Courts, New Delhi (hereinafter referred to as the 'Metropolitan Magistrate') in CC No.37676/2016, titled as ***Smt.Mamta v. Dr.Alok Tiwari & Ors.***, deciding on an application under Section 23 of the Protection of Women from Domestic Violence Act, 2005 (in short, 'DV Act') filed by the respondent herein, and directing the petitioner to pay Rs.15,000/- per month as *interim* maintenance to the respondent herein from the date of filing of the petition, that is, 30.10.2015, till the respondent is legally entitled to receive the same or



the final disposal of the said case by the learned Metropolitan Magistrate, whichever is earlier.

4. The learned counsel for the petitioner submits that by a Judgement dated 28.08.2019 passed by the learned Principal Judge, Family Court, Patiala House Courts, New Delhi (hereinafter referred to as the 'Principal Judge') in MT No.307/2018, titled as ***Smt.Mamta v. Dr.Alok Tiwari***, on an application filed by the respondent herein under Section 125 of the Cr.P.C., the petitioner has been directed to pay maintenance of Rs.20,000/- per month to the respondent. Placing reliance on the judgment of the Supreme Court in ***Rajnesh v. Neha and Another***, (2021) 2 SCC 324, he submits that the petitioner cannot be made to pay maintenance twice over.

5. The learned counsel for the respondent submits that the respondent shall claim maintenance only in accordance with the order passed by the learned Principal Judge referred hereinabove, till the final adjudication of the application passed in the case filed under the DV Act.

6. In view of the above, the present petition is disposed of as infructuous, leaving all contentions of either parties open to be decided by the competent court in the proceedings pending before it under the DV Act.

7. The pending application also stands disposed of being rendered infructuous.

NAVIN CHAWLA, J

APRIL 24, 2024/ns/ss

[Click here to check corrigendum, if any](#)