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

+ **CRL.M.C. 3846/2023**

SH GAURAV OHRI

..... Petitioner

Through: Mr.Abhishek and Mr.Satish, Advocates
versus

SMT MANJALI OHRI

..... Respondent

Through: Appearance not given

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.03.2024

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1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks to assail the order dated 21.12.2020 passed by the learned MM in C.C. No.13006/2018 which was further challenged before the Sessions Court vide Crl. Appeal No.04/2021, which appeal came to be dismissed vide judgement dated 13.04.2023.
2. A perusal of the impugned order would show that the parties got married to each other on 27.11.2015 and a child was born out of the wedlock on 08.02.2017. Apparently, on account of matrimonial discord, the parties started living separately. Consequently, the subject complaint came to be filed alongwith an application under Section 23 of the Domestic Violence Act, 2005 ('DV Act ') for interim relief.
3. Learned MM, Mahila Court took note of the salary slips of both the parties and recorded that the petitioner was earning a monthly salary of Rs.69,500/- and the respondent was earning an amount of Rs 50,968/-.
4. Considering that the respondent is employed, learned MM directed payment of interim maintenance of Rs15,000/- per month towards the expenditure of the minor child along with Rs.10,000/- per month towards



rent for alternate accommodation.

The said order was carried in appeal on both counts i.e. with respect to grant of interim maintenance as well as with respect to grant of Rs.10,000/- towards rent for alternative accommodation. A reading of the order dated 13.04.2023 passed in the said appeal would show that the challenge insofar as the maintenance of Rs.15,000/- is concerned, was not pressed and the appeal was restricted to the challenge against grant of Rs.10,000/- towards alternate accommodation.

5. During the course of submissions, learned counsel for the respondent, on a specific query, submits that the respondent is presently living alongwith her parents and has not taken any separate accommodation. He later contends that only when the amount is received, would the respondent look for the accommodation. Even during the proceedings before this Court, learned counsel for the petitioner has not challenged the award of interim maintenance directed to be paid to the minor child.

6. Considering that as per the admitted case of the respondent, the respondent is currently staying with her parent and has not taken/shifted to any alternate accommodation, the petition is disposed with a direction that till the time the respondent shifts to an alternate accommodation, the direction to pay Rs.10,000/- per month towards rent for alternate accommodation would be kept in abeyance.

7. Needless to state that this Court has not gone into the merits on the aspect of interim maintenance. However, it is clarified that in case at the time of disposal of the maintenance petition, the Family Court comes to the conclusion that the respondent and the minor child are entitled for lesser or higher maintenance, the Family Court would be at liberty to grant



adjustment of the arrears either way. Petitions stands disposed of.

MANOJ KUMAR OHRI, J

MARCH 12, 2024

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