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

+ **CRL.REV.P. 586/2024**

SHOKIN PAL

..... Petitioner

Through: Mr.A.K.Chaudhary, Ms.Seema
Singh, Advs.

versus

BABLI & ORS.

..... Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

01.05.2024

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CRL.M.A. 13227-28/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), challenging the order dated 29.01.2024 passed by the learned Judge, Family Court-01, Shahdara District, Karkardooma Courts, Delhi in MT Case No.452/2018, titled ***Babli v. Shokin Pal***, directing the petitioner to pay a monthly maintenance of Rs.9,000/- per month to the respondent from the date of the filing of the petition, that is, 03.08.2018, upto the date of the judgment, and in future, at the rate of Rs.11,000/- per month from the date of the judgment and during the existence of the relationship between the petitioner and the respondent no.1.

3. The learned counsel for the petitioner submits that the learned



Family Court has erred in not taking into the account the fact that the parents of the petitioner are also staying with him and are also dependant on him. He submits that the income of the petitioner was taken around Rs.45,000/- per month after deduction of GPF and taxes. A portion thereof has been earmarked to the parents and, therefore, the maintenance determined by the learned Family Court is excessive.

4. I do not find any merit in the said submission.

5. It has been observed by the learned Family Court that the father of the petitioner has sufficient income to maintain himself and his wife. Petitioner's father, in fact, has agricultural land. Therefore, the parents cannot be stated to be dependent on the petitioner for maintenance.

6. I find no reason to disagree with the above finding of the learned Family Court.

7. In any case, the said finding is not perverse or unreasonable so as to warrant interference by this Court in its revisional jurisdiction. Reference in this regard can be made to the judgement of the Supreme Court in ***Sanjaysinh Ramrao Chavan v. Dattatray Galabrao Phalke***, (2015) 3 SCC 123, wherein it was observed as under-

14.....The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court under Sections 397 to 401 CrPC is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision is based



on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with decision in exercise of their revisional jurisdiction.

8. Further, in ***Mohit Bajaj v. Manju Bajaj***, 2023/DHC/000159, this Court reiterated as under:-

“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.*

9. In the present petition as well, the petitioner has not been able to show that the Impugned Order suffers from some illegality or perversity or is unreasonable.

10. For the above reasons, I find no merit in the present petition. The same is accordingly dismissed.

NAVIN CHAWLA, J

MAY 1, 2024/Arya/RP

Click here to check corrigendum, if any