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

+ CRL.REV.P. 516/2022 & CRL.M.A. 15870/2022, CRL.M.A.
15872/2022

SHAILENDRA KUMAR GUPTA Petitioner

Through: Mr.Puneet Singh Bindra,
Mr.Akshay Sharma,
Mr.Rishabh Gupta, Mr.Sameer
Sethi, Advs.

versus

SMT. EKTA GOEL Respondent

Through: Mr.Vikas Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

05.04.2024

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1. This petition has been filed challenging the order dated 11.04.2022 passed by the learned ASJ-05, North West District, Rohini Courts in Criminal Appeal no.12/2021, directing the petitioner herein to pay interim maintenance of Rs.25,000/- per month to the respondent.
2. The limited grievance of the petitioner against the impugned order is that the learned Appellate Court, while considering the income of the petitioner as Rs.75,000/- per month, has failed to factor in the tax that would be payable on the same, which would be at the rate of 10%. The learned counsel for the petitioner submits that therefore, the take-home income of the petitioner



would be only Rs.67,500/-, and if it is to be divided into the ratio 2:1, as directed by the learned Appellate Court, the interim maintenance of the respondent would come up to Rs.22,500/- per month.

3. He further submits that by an order dated 19.07.2017 passed on an application under Section 125 of the Cr.P.C. filed by the respondent, being MT no.167/2017 titled ***Ekta Goel v. Shailender Gupta***, the learned Principal Judge (North West), Family Court, Rohini, had fixed the *ad interim* maintenance of the respondent as Rs.5,000/-. He submits that the impugned order does not take into account the said amount.
4. The learned counsel for the respondent, without prejudice to the rights and contentions of the respondent and only at this stage, submits that he has no objection if the *interim* maintenance amount as directed by the impugned order is reduced to Rs.22,500/- per month. He submits that as far as the *ad interim* maintenance awarded vide order dated 19.07.2017 is concerned, and till the final maintenance amount is determined therein, the respondent shall not be seeking enforcement of the said order to claim the maintenance amount awarded therein. He submits that therefore, in all, the petitioner would be liable to pay the *interim* maintenance of Rs.22,500/- per month.
5. In view of the above statement of the respondent, the impugned order dated 11.04.2022 is modified to the limited extent that the petitioner shall be liable to pay maintenance at the rate of Rs.22,500/- per month to the respondent from the date as directed



in the impugned order. At the same time, the respondent shall not seek enforcement of the order dated 19.07.2017 passed by the learned Family Court in MT no.167/2017 referred hereinabove. The learned Family Court shall, however, continue with those proceedings to determine the maintenance amount payable to the respondent in accordance with law.

6. The petition and the pending applications are disposed of in the above terms.

NAVIN CHAWLA, J

APRIL 5, 2024

RN/am

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