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

+ **CRL.M.C. 4197/2022 & CRL.M.A. 21749/2022**

AMIT CHAWLA Petitioner

Through: Mr.Ashwin Kr. Nair, Mr.Sahil
Mahajan and Mr.Abhimanyu
Goel, Advs.

versus

POOJA CHAWLA & ANR.

..... Respondents

Through: Mohd. Azhar and Mr.Sarthak
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

06.02.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, (in short, 'Cr.P.C.') challenging the order dated 30.03.2021 passed by the learned Principal District and Sessions Judge, North District, Rohini Courts, New Delhi (hereinafter referred to as 'PDSJ') in CA No. 19/2021, titled *Amit Chawla v. Pooja Chawla & Anr.*, by which the learned PDSJ was pleased to dismiss the appeal filed by the petitioner herein.

2. The petitioner by way of the said appeal had, in turn, challenged the Order dated 14.02.2020 passed by the learned Metropolitan Magistrate, Mahila Court-01, North District, Rohini Courts, Delhi (hereinafter referred to as 'Trial Court') in Complaint Case No. 3226/2017, titled *Pooja Chawla v. Amit Chawla*, whereby the petitioner was directed to pay *interim* maintenance of Rs.16,100/- per



month, towards the maintenance of the child, from the date of filing of the said complaint, that is, 09.03.2016.

3. During the pendency of the present petition, the petitioner filed an application seeking modification of the Order dated 14.02.2020 before the learned Trial Court. The said application has been partially allowed by the learned Trial Court vide its Order dated 02.09.2023, reducing the amount of maintenance to Rs.8,300/-, however, with effect from 15.05.2023.

4. The learned counsel for the petitioner submits that the said order is liable to be set aside by this Court inasmuch as it does not reduce the maintenance amount retrospectively from the date of filing of the application/complaint by the respondent before the learned Trial Court, but instead grants the relief of reduction to the petitioner only having effect from 15.05.2023.

5. In my opinion, as the order dated 14.02.2020 has been modified by the learned Trial Court, the petitioner, if aggrieved of the order dated 02.09.2023, has to avail of his remedies in accordance with law.

6. In view of the above, the present petition no longer survives in view of the Order dated 02.09.2023. The same is disposed of with the above clarification and leave to the petitioner. The pending application also stands disposed of having become infructuous.

NAVIN CHAWLA, J

FEBRUARY 6, 2024/ns/AS

Click here to check corrigendum, if any