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

+ CRL.REV.P. 929/2023 & CRL.M.A. 24027/2023
REENAPetitioner

Through: Appearance not given.

versus

SANT RAMRespondent

Through: Mr. Avadhesh Sharma,
Adv. through V.C.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
27.09.2024

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1. The present revision petition is filed challenging the order dated 15.07.2023 (hereafter '**impugned order**'), passed by the learned Family Court, West District, Tis Hazari Courts, New Delhi in MT No.517/2022.
2. By the impugned order, the learned Family Court granted an *ad-interim* maintenance of ₹3,500/- to the petitioner after noting that there was no material on record to suggest that the petitioner was earning. It was also noted that it appeared from the bank statement of the respondent that he has a monthly income of ₹15,000/- per month.
3. The learned counsel for the respondent, at the outset, submits that the impugned order is only an *ad-interim* order.
4. He submits that the interim application is still pending consideration and the learned the learned Family Court is still to decide the same after hearing the parties and considering the reply and supporting documents.
5. It is argued on behalf of the petitioner that the learned Family Court has awarded a meagre sum as *ad-interim*



maintenance without appreciating that the respondent is earning handsomely from his business in the sabzi mandi. It is also argued that the awarded amount is insufficient for maintenance of the petitioner and the two children of the parties.

6. The learned counsel for the respondent disputes the same and submits that the children of the parties are now earning and are not entitled for maintenance.

7. Clearly, the impugned order is only an *ad-interim* order. It is not disputed that the application for relief of interim maintenance is still pending consideration before the learned Family Court. In such circumstances, any petition under Section 397 of Code of Criminal Procedure, 1973 challenging the interlocutory order would not be maintainable at this stage.

8. Even so, insofar as the argument of insufficiency of the awarded amount for maintenance of the children of the parties is concerned, the petitioner is at liberty to approach the learned Family Court for grant of maintenance in their favour.

9. The petitioner is also at liberty to take all arguments raised in the present petition before the learned Family Court for grant of a higher amount of maintenance and enhancement of the *ad-interim* maintenance so awarded.

10. Considering that over a year has passed since the impugned order was passed, this Court also considers it apposite to request the learned Family Court to dispose of the application for interim maintenance expeditiously.

11. The petition is dismissed with the aforesaid observations.

AMIT MAHAJAN, J

SEPTEMBER 27, 2024