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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4622/2022, CRL.M.A. 38439/2024,**
CRL.M.A. 38440/2024 & REVIEW PET. 483/2024

RAMESH MEHTAPetitioner
Through: Petitioner in person along
with Mr. Adv. (appearance
not given)

versus

SMT GEETA MEHTARespondent
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **12.02.2025**
CRL.M.A. 38438/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

REVIEW PET. 483/2024 & CRL.M.A. 38439/2024 (stay),
CRL.M.A. 38440/2024 (for condonation of delay in filing the
appln) in CRL.M.C. 4622/2022

3. The present petition is filed seeking a review of the order dated 23.10.2024 (hereafter '**the impugned order**') passed by this Court in CRL.M.C. No. 4622/2022, whereby the petitioner's challenge to the order dated 25.07.2022 passed by the learned Principal District and Sessions Judge, Karkardooma Courts, Delhi, was dismissed.

4. The learned Metropolitan Magistrate, Karkardooma Courts, Delhi *vide* order dated **23.09.2021** granted maintenance of ₹5,000/- per month to the respondent. The petitioner challenged the said order before the learned PDSJ and by the

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order dated 25.07.2022, the learned PDSJ disposed of the same and directed the petitioner to pay a sum of ₹4,000/- per month as interim maintenance to the respondent.

5. The petitioner has now filed a review petition assailing the impugned order submitting to the effect that there exists an error apparent on the face of the record in computing the petitioner's income and liabilities. He submits that the respondent has an independent source of income, which was not duly considered by the learned Trial Court, and that there has been a material change in circumstances due to the petitioner's alleged financial constraints.

6. A review application cannot function as an appeal in disguise. The power of review is exclusively applicable in cases where there exists an error apparent on the face of the record and not merely based on an erroneous decision.

7. It is fairly settled that the scope of review is to a limited purpose to correct any error apparent on the face of the record or mistake in the judgment under review pointed out by the review; as the object behind review is ultimately to see that there should not be miscarriage of justice. The error apparent on the face of the record must be such an error, which must strike one on merely looking at the record and would not require any long-drawn process of reasoning on points, where there may conceivably be two opinions.

8. The instant proceedings arise out of matrimonial disputes. The petitioner's contention that his income has been overestimated has to finally be proved in the proceedings before the learned Trial Court. The *prima facie* view in regard to the income assessment was based on verified documents and judicial reasoning, which cannot be re-examined in a review proceeding.

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Further, the petitioner has not produced any fresh material evidence to substantiate his claim that the respondent has a steady income. This issue was thoroughly examined in the original proceedings and cannot be reargued, and is a matter of trial.

9. The alleged financial hardship of the petitioner is not supported by any cogent evidence. The mere assertion of financial difficulty without documentary proof does not constitute a valid ground for review.

10. In view of the above, the Court finds that the present petition does not disclose any error apparent on the face of the record or new evidence warranting reconsideration. The petitioner has merely reiterated arguments already considered and rejected by the impugned order.

11. Accordingly, the present petition is dismissed.

AMIT MAHAJAN, J

FEBRUARY 12, 2025