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

+ CRL.REV.P. 1025/2023, CRL.M.A. 26417/2023 &  
CRL.M.A. 26418/2023

VISHAL SHARMA ..... Petitioner

Through: Mr. Anil Jaryal Thakur &  
Mr. Ashwani Kumar,  
Advs.

versus

MONIKA SHARMA ..... Respondent

Through: Mr. Anurag Ahluwalia &  
Mr. Satish Verma, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

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**16.02.2024**

1. The present petition is filed under Section 397/401 of the CrPC, praying as under :

*“1. Set aside the impugned order on interim maintenance dated, 15.03.2023 in case no MT-465/19 passed by Sh. Ankur Jain Judge: Family Court (NE), Karakardooma, Delhi along with affidavit.*

*2. Pass any other further orders that may deem fit and just by this Hon'ble Court in this regard.”*

2. The learned Family Court, Karkardooma Courts, Delhi by the order dated 15.03.2023 passed in Mt No.465/2019, awarded an interim maintenance of ₹22,000/- per month in favour of the respondent.

3. The learned counsel for the petitioner submits that the interim maintenance for a sum of ₹22,000/- per month has been awarded even though the respondent had claimed maintenance of only ₹11,500/- per month.

4. The learned counsel for the respondent submits that the



said sum was claimed in the year 2019 when the respondent, during the course of arguments on the application for interim maintenance, had expressed her desire to live separately on a rented accommodation. He submits that, even though the said fact is not reflected in the order, but the learned Family Court, after considering the said aspect, had granted interim maintenance for a sum of ₹22,000/- per month.

5. The learned counsel for the petitioner, on instructions from the petitioner, submits that the petitioner without prejudice to his rights and without going into the merits of the disputes, is willing to pay a sum of ₹15,000/- per month as an interim maintenance, till the disposal of the application for maintenance before the learned Family Court.

6. The learned counsel for the petitioner submits that the petition for maintenance is now listed on 06.03.2024 for the petitioner's evidence, and he is hopeful that the petition would be decided within a period of next 2-3 months.

7. He submits that, in such circumstances, the petitioner is agreeable to pay an interim maintenance for a sum of ₹15,000/- per month.

8. The learned counsel for the respondent, on instructions, states that the respondent would accept the sum of ₹15,000/- per month as an interim maintenance without prejudice to her rights and contentions, subject to the final outcome of the petition for maintenance filed by the respondent before the learned Family Court.

9. In view of the above, without going into the merits of the dispute, since the parties have consented for the interim maintenance of ₹15,000/- per month, the order dated 15.03.2023 passed by the learned Family Court, North-East, Karkardooma



Courts in MT No. 465/2019 is modified and the petitioner is directed to pay a sum of ₹15,000/- per month to the respondent till the disposal of MT Case No. 465/2019.

10. The petitioner also undertakes to clear the arrears, if any, calculated at the rate of ₹15,000/- per month, within a period of four weeks from today.

11. The petition is disposed of in the aforesaid terms.

12. It is made clear that all rights and contentions of parties are reserved and this Court has not expressed any opinion on the merits of the dispute.

**AMIT MAHAJAN, J**

**FEBRUARY 16, 2024**  
“SS”