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

+ **CRL.REV.P. 1100/2023 & CRL.M.A. 28303/2023**

SACHIN YADAVPetitioner

Through: Mr. Gaurav Deshraj,
Advocate.

versus

STATE & ANR.Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.
Mr. Vikas Yadav & Ms.
Upma Yadav, Advocates
for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
27.08.2024

1. The present petition is filed challenging the order dated 16.08.2023 passed by the learned Additional Sessions Judge, Patiala House Court, New Delhi, whereby the appeal against order dated 18.05.2023 passed by the learned Metropolitan Magistrate ('MM'), was dismissed.
2. The learned MM, by order dated 18.05.2023, in an application under Section 23 of the Domestic Violence Act, 2005, had directed the petitioner to pay a monthly interim maintenance of ₹40,000/-.
3. The learned counsel for the petitioner has taken this Court through the order dated 05.06.2023 passed by the learned MM, wherein it was admitted that para nos. 5, 6 and 11 of the order dated 18.05.2023 were erroneously noted. It is an admitted case



that the para nos. 5, 6 and 11 of the order dated 18.05.2023 had crept in the order inadvertently. The same were apparently taken from another case titled *Jyoti vs. Sunil*.

4. The learned MM noted that the said paragraphs be not made part and parcel of the order dated 18.05.2023. It is an admitted fact that the said aspect was also not taken note of by the learned Appellate Court.

5. After some arguments, the learned counsel for the respondent, fairly states that he has no objection if the present case is remitted back to the learned MM for fresh consideration on an application for interim maintenance.

6. He, however, submits that the respondent be protected in the meantime since the order relates to interim maintenance.

7. The learned counsel for the petitioner submits that he has no objection if an appropriate order without commenting on the merits of the case is passed by this Court.

8. In view of the above, this Court considers it apposite to set aside the impugned orders dated 16.08.2023 and 18.05.2023 and remand the matter back to the learned MM for consideration afresh on the application seeking interim maintenance.

9. The petitioner, in the meantime, is directed to pay an ad interim maintenance of ₹30,000/- per month to the respondent.

10. The petitioner is directed to clear the fifty per cent of the arrears within a period of six weeks and the remaining fifty per cent within a period of six weeks thereafter.

11. The parties are directed to appear before the learned Magistrate on the date fixed.

AMIT MAHAJAN, J

AUGUST 27, 2024/ 'Aman'