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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 930/2024, CRL.M.A. 21172/2024**
DHEERAJ KUMAR MISHRAPetitioner
Through: **Mr. Vishal Kalra, Advocate.**

versus

JYOTSANA DWIVEDIRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
22.07.2024

CRL.M.A. 21173/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.REV.P. 930/2024

By way of the present criminal revision petition filed under section 397 read with section 401 of the Code of Criminal Procedure 1973, the petitioner impugns order dated 16.01.2024 made by the learned Judge, Family Court, Dwarka, New Delhi in Mt. CASE No.306/2023, directing the petitioner to pay *ad-interim* maintenance of Rs.12,000/- per month to the respondent.

2. Mr. Vishal Kalra, learned counsel appearing for the petitioner submits, that on the date on which this order was made, viz. 16.01.2024, the petitioner (respondent before the learned Family Court) was not represented by counsel since counsel appearing for the



petitioner was in some personal difficulty on that date. Mr. Kalra submits, that as the record would show, only proxy counsel was present on behalf of the petitioner on that date and therefore the impugned order was passed without hearing the petitioner.

3. Mr. Kalra further argues that the impugned order has been passed on the erroneous assumption that the petitioner was working as a Professor in Vadodara and was earning Rs.60,000/- per month; whereas the petitioner is presently unemployed.
4. Be that as it may, a perusal of the impugned order shows that the petitioner had omitted to file a reply to the petition, for which reason the petitioner was also burdened with costs of Rs.2,000/-, while granting to him another 02 weeks to file his reply to the main petition seeking interim maintenance.
5. Accordingly, even if learned counsel for the petitioner was unable to represent him before the learned Family Court on that date, the petitioner had also failed to file any reply to the petition; and had therefore omitted to bring his case on record before the court, which the learned Family Court would have otherwise considered, before passing the impugned order.
6. Furthermore, it is also observed that the impugned order only awards *ad-interim* maintenance of Rs.12,000/- per month payable by the petitioner to the respondent; and the main petition for grant of interim maintenance is still pending adjudication before the learned Family Court.
7. On an overall consideration of the matter, this court is not inclined to entertain the present petition in its revisional jurisdiction, *inter-alia*



for the reason that the impugned order only awards *ad-interim* maintenance, and is in that sense, an interlocutory order, against which a revision petition is not maintainable.

8. The petition is accordingly dismissed *in limine*; without however making any observations on the merits of the matter.
9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 22, 2024/ak