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

+ **CRL.REV.P. 818/2022 & CRL.M.A. 35407/2023**

MS. BHOOMI SHARMA Petitioner

Through: Ms.Meena Chaudhary Sharma,
Mr.Saurabh Goel, Mr.Aniket
Gupta, Advs. along with
petitioner in person.

versus

SHRI GAURAV SHARMA Respondent

Through: Mr.Amitesh Gaurav, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

21.05.2024

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1. This petition has been filed under Section 397 read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), challenging the Order dated 17.09.2022 (hereinafter referred to as the 'Impugned Order') passed by the learned Judge, Family Courts, North District, Rohini Courts, Delhi (hereinafter referred to as 'Family Court') in MT. Case No.615/2021, titled as *Ms.Bhoomi Sharma v. Shri Gaurav Sharma*, directing the respondent to pay *interim* maintenance of Rs.30,000/- per month from the date of the filing of the above petition under Section 125 of the Cr.P.C. by the petitioner till further orders.

2. The learned counsel for the petitioner, drawing the reference of this Court to the salary slips / certificates, submits that the maintenance amount that has been awarded by the learned Family Court vide the Impugned Order is highly inadequate. She submits that,



infact, the respondent has other sources of income as well.

3. During the pendency of the present petition, the petitioner has also filed an application, being CRL.M.A.35407/2023, praying for the production of various documents by the respondent.

4. The learned counsel for the respondent submits that in a separate proceeding filed under the Protection of Women from Domestic Violence Act, 2005 (in short, 'DV Act'), the petitioner had filed a similar application under Section 91 of the Cr.P.C., which was allowed by the learned Metropolitan Magistrate, (Mahila Court-02) North-District, Rohini Courts, Delhi vide its Order dated 10.01.2024. In compliance with the said order, the respondent has produced the necessary documents, as has also been recorded in the Order dated 01.05.2024 passed by the said Court.

5. Though the learned counsel for the petitioner submits that all the called-upon documents have not been produced by the respondent, however, in my view, once these documents are available with the petitioner, the petitioner can always move an application under Section 127 of the Cr.P.C. praying for modification of the *interim* maintenance that has been fixed by the learned Family Court.

6. In case such an application is filed by the petitioner before the learned Family Court, the learned Family Court is requested to decide on the same preferably within a period of two months of its listing, after taking into account the documents and the submissions. It is made clear that this Court has not expressed any opinion on the impugned order as it had fixed only interim maintenance and is always open to change if circumstances so warrant.



7. The petition is disposed of in the above terms. The pending application also stands disposed of as infructuous.

8. *Dasti.*

NAVIN CHAWLA, J

MAY 21, 2024/ns/ss

Click here to check corrigendum, if any