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

+ CRL.REV.P. 1237/2023, CRL.M.A. 31362/2023 &
CRL.M.A. 31363/2023

LOKESH KUMAR Petitioner

Through: Adv. Sataroop Das.

versus

STATE NCT OF DELHI AND ORS Respondents

Through: Mr. Hitesh Vali, APP for
the State.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **05.03.2024**

1. The present petition is filed under Section 397/401 of the Code of Criminal Procedure, 1973 ('CrPC') challenging the order dated 21.04.2022 passed by the learned Principal Judge, Family Court, Rohini Courts, Delhi in Mt. no. 205/2018 (hereafter '**the impugned order**').

2. The learned Family Court by the impugned order has directed the petitioner to pay *ad-interim* maintenance of ₹10,000/- to Respondent No.2 for her own maintenance as well as the maintenance of Respondent No.3/minor child.

3. The learned Family Court noted that even though the petitioner has educational qualification in B. Pharma, he has filed an affidavit stating that he is a daily wager and earning a sum of ₹6,000/- per month. The learned Family Court held that the assertion that the petitioner is earning ₹6,000/- per month, *prima facie*, is not correct since the minimum wages prescribed for a graduate is more than ₹21,000/- per month.

4. The relationship of the petitioner with Respondent Nos.2 and 3 has not been denied. It is also an admitted fact that the



impugned order is only an *ad-interim* order. The application for fixing the interim maintenance is still pending before the learned Family Court.

5. The revision petition under Section 397 of the CrPC is not maintainable in regard to the challenge to the *ad-interim* order when the application for fixing interim maintenance is pending before the learned Family Court.

6. The petitioner is an able bodied man and direction to pay ad-interim maintenance of ₹10,000/- per month is even otherwise not unreasonable considering the minimum wage prescribed for a graduate.

7. This Court, therefore, finds no infirmity in the impugned order passed by the learned Family Court. The petition is, therefore, dismissed.

8. The petitioner is at liberty to take all arguments at the time of consideration of the application for interim maintenance.

AMIT MAHAJAN, J

MARCH 5, 2024
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