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

+ CRL.REV.P. 1273/2023 & CRL.M.A.32359-32361/2023
AMIT KUMAR Petitioner

Through: Mr. Abhishek Grover, Mr.
Siddharth Pandit and Mr.
Sunder Lal Sharma, Advs.
along with petitioner in
person

versus

URMILA AND ORS Respondents

Through: Mr. Braj Kishore Roy,
Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
08.01.2024

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1. The present revision petition under Section 397 of Cr.P.C is filed challenging the order dated 16.10.2022 (hereafter '**impugned order**') passed by the learned Judge, Family Court, Patiala House Courts, New Delhi in Maintenance Petition No.88/2022 titled as "*Urmila Singh & Ors. vs. Amit Kumar*".

2. The learned counsel for the respondent, who appears on advance service, at the outset submits that the impugned order is only an *ad-interim* order which was passed, noting that the parties have two children, aged 7 years and 5 years, and as an *ad-interim* relief the learned Family Court directed the petitioner to pay a sum of Rs.10,000/- per month with effect from October, 2023.

3. The learned counsel for the respondent submits that the interim application is still pending consideration and the learned the learned Family Court is still to decide the interim



maintenance, which would be done after hearing the parties and considering the reply and supporting documents.

4. The learned counsel for the petitioner submits that the petitioner at present is unemployed and not in a position to pay a sum of Rs.10,000/- per month as maintenance. He submits that the learned Trial Court erroneously relied upon the entries of certain amounts which are reflected to have been deposited in the petitioner's account.

5. Clearly, the impugned order is only an *ad-interim* order. It is not disputed that the application for relief of interim maintenance is still pending consideration before the learned Family Court. In such circumstances, any petition under Section 397 of Cr.P.C., challenging the interlocutory order would not be maintainable at this stage. The petitioner is at liberty to file an appropriate application or reply opposing the grant of maintenance or for the modification of any *ad-interim* order.

6. The petition is dismissed with the aforesaid observations.

AMIT MAHAJAN, J

JANUARY 8, 2024

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