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

+ CRL.REV.P. 307/2024

VIKRAM GAHLOT

..... Petitioner

Through: Mr. Yash Kumar, Advocate.

versus

NEETA & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.03.2024

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CRL.M.A. 7149/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 7150/2024 (delay in refiling the revision petition)

3. Present application has been filed on behalf of the Petitioner seeking condonation of delay of 66 days in refiling the revision petition.
4. For the reasons stated in the application, the same is allowed.
5. Delay of 66 days in refiling the revision petition is condoned.
6. Application stands disposed of.

CRL.REV.P. 307/2024 & CRL.M.A. 7181/2024 (stay)

7. This petition has been filed on behalf of the Petitioner under Sections 397/401 Cr.P.C. against the impugned order dated 04.10.2023 passed by learned Judge-02, Family Courts, District South, Saket, in M. No. 221/2022 titled '*Neeta & Ors. v. Vikram Gahlot*'. By the impugned order, direction was issued to the Petitioner herein to pay a sum of Rs.12,000/- per month to



Respondent No. 1 as *ad interim* maintenance payable by the 10th of every month along with Rs.11,000/- as litigation expenses.

8. Mr. Yash Kumar, learned counsel appearing on behalf of the Petitioner submits that Respondent No. 1 has filed false and frivolous cases against him including the claim for maintenance. Respondent No. 1 is well-qualified and holds a Diploma in ITT and Fashion Designing and is earning by taking home tuitions and stitching. It is argued that the *ad interim* maintenance has been awarded without any basis and without any document or even an income affidavit by either party. It is further urged that without any reason, the Family Court refused to take written statement on record despite the same being handed over in Court during the course of hearing on 04.10.2023.

9. Insofar as the written statement is concerned, impugned order shows that written statement was not filed till the said date and the previous cost was also not paid. Thus, the defence of the Petitioner was struck off by the Family Court and in these circumstances, it is open to the Petitioner to take appropriate steps before the concerned Court, in this regard in accordance with law.

10. Insofar as the *ad interim* maintenance is concerned, it is apparent that the Family Court has awarded a sum of Rs.12,000/- per month taking into account that Petitioner earns Rs.30,000/- per month, a position uncontroverted even before this Court and that Respondent No. 1 is a home maker with custody of two school going children aged 12 and 6 years, with no source of income. Respondent No.1 has been directed to file her income affidavit and evidence by way of affidavit.

11. Considering that the impugned order only awards *ad interim*



maintenance, which would be adjusted towards maintenance as may be awarded by the learned Family Court after filing of the affidavit of income and supporting documents and is amenable to change, this Court is not inclined to entertain the present petition in its revisional jurisdiction.

12. Petition is accordingly dismissed along with pending application.

JYOTI SINGH, J

MARCH 20, 2024

B.S. Rohella/shivam