



2024:DHC:2164



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 15.03.2024***+ CRL.M.C. 1344/2018
RAVINDER SONI

..... Petitioner

Through: Mr.Ankur Sood & Mr.Varun
Agarwal, Advs.

versus

URMILA VERMA & ANR

..... Respondents

Through: Mr.Sumit Goswami, Adv.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), challenging the order dated 23.09.2013 (hereinafter referred to as the 'Impugned Order'), passed by the learned Additional Sessions Judge - 03 (Central-District), Delhi (hereinafter referred to as the 'Revision Court') in CR No. 69/2013 titled as ***Ravinder Soni v. Urmila Verma & Anr***, whereby the revision petition filed by the petitioner herein has been dismissed.

2. By the above Revision Petition, the petitioner had *inter alia* challenged the order dated 09.05.2013, passed by the learned Metropolitan Magistrate, Mahila Court (Central-I), Delhi (hereinafter referred to as the 'Trial Court') in MP No. 35/3/10, titled as ***Urmila Verma & Anr. v. Sh.Ravinder Soni &***



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Anr., whereby the learned Metropolitan Magistrate had directed the petitioner to pay *interim* maintenance of a sum of Rs.1,300/- each to respondent nos.1 and 2, his parents, per month from the date of the order. By the Impugned Order, the Revision Petition filed against the same by the petitioner has been dismissed.

3. Unfortunately, respondent no.2 has passed away during the pendency of the present petition.

Submissions of the learned counsel for the petitioner

4. The learned counsel for the petitioner submits that the petitioner was earlier running a factory from the premises belonging to the respondents, that is, A-594, Indra Gali No. 3, Prem Nagar, Nabi Kareem, New Delhi (hereinafter referred to as the 'Subject Property'). The said factory, at the instance and on the complaints of the respondents, was sealed leading to the closure of the petitioner's business.

5. The learned counsel for the petitioner further submits that the respondents are blessed with two other sons as well and, therefore, they can be adequately maintained by them.

6. He submits that the petitioner himself has to maintain his wife and three children and, therefore, the petitioner is in no position to pay the maintenance amount fixed by the learned Trial Court.

Analysis and Conclusion

7. I have considered the submissions made by the learned counsel for the petitioner, however, I find no merit in the same.



8. At the outset, I would remind myself of the limited jurisdiction that this Court exercises when there are concurrent findings by two Courts below. It is not exercising appellate jurisdiction against the impugned order.

9. Without any doubt, it is the pious duty of the child to maintain his parents. In **Vijaya Manohar Arbat v. Kashirao Rajaram Sawai**, (1987) 2 SCC 278, the Supreme Court has noted that it is the moral obligation of the children to maintain old age parents. This Court reiterated the same in **Devender Singh v. Angoori Devi**, 2019 SCC OnLine Del 12299.

10. In the present case, the learned Revision Court, in the Impugned Order, has recorded that the other two sons of the respondents are also maintaining the respondents, however, this would not exonerate the petitioner from discharge of his duties.

11. It has further been held that mere closure of the factory of the petitioner, that too, the one which was being run from the premises belonging to the respondents, also cannot exonerate the petitioner from his liability. Herein, it is to be noted that the petitioner continues to occupy the property that belongs to the respondents (though the petitioner disputes the ownership of the respondents to the same).

12. The learned Revision Court has given cogent reason for dismissing the Revision Petition filed by the petitioner. There is also a considerable delay in filing the present petition, which was filed only on or about 05.03.2018.

13. Before concluding, I may herein also note that this Court,



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by its order dated 03.03.2020, had recorded the petitioner's statement that he would be paying an amount of Rs.20,000/- to the respondents by way of a Demand Draft. The learned counsel for the petitioner submits that the said amount has been paid, however, this is disputed by the learned counsels for the respondents. This issue shall be determined in the execution proceedings, which are stated to be pending before the learned Trial Court.

14. In view of the above, I find no merit in the present petition. The same is dismissed with costs quantified at Rs.30,000/- to be paid by the petitioner to the respondent no. 1 within a period of four weeks from today.

NAVIN CHAWLA, J

MARCH 15, 2024/rv/ss

Click here to check corrigendum, if any