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

+ CRL.REV.P. 527/2015 CRL.M.A. 12071/2015 CRL.M.A.
13003/2015 CRL.M.A. 15714/2017.

KANWAL JEET SINGHPetitioner

Through: Mr. Arun Sharma, Adv. (VC)

versus

HARPREET KAURRespondent

Through: Mr. Gautam Khazanchi, Ms. Suruchi
Jaiswal, DHCLSC

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
30.09.2024

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1. This petition assails order dated 21.05.2015 deciding the appeal filed by the petitioner against the order of the MM dated 16.10.2014. By order dated 16.10.2024, the MM had granted interim maintenance at Rs. 6,000/- per month to the respondent wife.
2. However, in the meantime, an order had already been passed in proceedings under the Hindu Marriage Act, 1955 awarding a permanent alimony of Rs. 2.5 lakhs in favour of the respondent wife which was subsequently paid. The interim maintenance amount of Rs. 6,000/- per month was therefore not paid, since the permanent alimony had been granted.
3. This was noticed in order dated 16.11.2017, in the application under Section 12 of PWDV Act, 2005, by the MM, where it is stated in Para 26



considering that permanent alimony to the tune of Rs. 2.5 lakhs had already been granted, the *domestic relationship* between the parties came to an end on 02.05.2013 and the *economic abuse*, if any, suffered by the complainant wife had already been compensated for; the order further stated that no monetary relief or compensation u/s 20 or 22 DV Act could be granted to the complainant.

4. In the meantime, order of 16.10.2014 had been taken up in appeal. It was dismissed in favour of the respondent wife, against which this revision has been filed.
5. This Court has perused the report and appreciated the submissions of the parties.
6. Counsel for the respondent effectively submits that considering the interim maintenance had been awarded, this would subsist, aside from the permanent alimony granted in May 2013.
7. It is, however, noted that the interim maintenance was granted *subsequently* to the permanent alimony granted in May 2013.
8. Respondent counsel's reference to the decision of the Supreme Court in ***Rajnesh v. Neha & Anr.*** (2021) 2 SCC 2024, in the opinion of this Court does not assist them. The decision clearly states that if in any proceedings under Section 125 Cr.P.C., DV Act or under HMA is being filed, the party shall disclose what has previously been granted to the wife.
9. In 2014, when interim maintenance was granted, permanent alimony had already been awarded in 2013. Therefore, as rightly stated in order dated 16.11.2017, there would be no further compensation that the wife would be entitled to.



10. Accordingly, the petition is allowed and the impugned order is set aside.

It is acknowledged by the respondent wife that Rs. 2.5 lakhs have been paid to her, besides another amount as an out of court settlement under Section 125 Cr.P.C. proceedings.

11. Accordingly, the petition is disposed of.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 30, 2024

JN