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

+ CRL.REV.P. 40/2019

NIRMALA

.....Petitioner

Through: Mr. Abdul Salam, Advocate along
with Petitioner in person.

versus

RAKESH KUMAR

.....Respondent

Through: Mr. Anil Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.12.2025

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1. The Petitioner (wife) has filed the present revision petition under Section 401 the Code of Criminal Procedure, 1973¹ assailing the order dated 05th April, 2018 passed on her application under Section 125 CrPC seeking maintenance.
2. The impugned order records that the Respondent (husband) did not contest the proceedings. Counsel for the Respondent, however, submits that no notice was ever served upon him and that even the maintenance of INR 2,000/- per month awarded by the Trial Court is not justified.
3. It is submitted that if granted an opportunity, Respondent will file a reply before the Trial Court along with an affidavit of assets and expenditure, and the Trial Court may thereafter determine the maintenance afresh. Counsel for the Petitioner fairly agrees to this course of action.

¹ "CrPC"



4. In view of the consensus between the parties, the impugned order is set aside. The matter is remanded to the Trial Court for fresh adjudication. The Respondent shall file his reply, along with an affidavit of assets and expenses, within eight weeks from today. The Trial Court shall thereafter proceed to decide the matter in accordance with law.

5. As the parties' marital relationship is not in dispute and the matter will now have to await final decision, it is directed that as an interim measure, the maintenance of INR 2,000/- per month, computed on the basis of the Respondent's assessed minimum wages of INR 6,000/- per month and divided into three units (two units for the husband as earning member and one unit for the wife), shall continue from the date of filing the maintenance petition, i.e., 15th November, 2016, until disposal of the petition by the Trial Court.

6. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

DECEMBER 4, 2025/ab