



\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 875/2025 & CRL.M.A. 4062/2025**
SUNIL CHAUHANPetitioner

Through: Mr. Deepak Singh, Mr.
Ramakant Kumar, Advs.

versus

ARNAV CHAUHAN & ANR.Respondents
Through: Mr. Anshuman
Upadhyay, Mr. Garvit Sharma,
Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

%

10.02.2025

CRL.M.A. 4062/2025-EX

Allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 875/2025

1. This is a petition seeking to challenge the common order dated 07.10.2024 in Maintenance Case Nos. 266/2023 and 268/2023 passed by the learned Principal Judge, Family Court, Saket Courts, New Delhi.
2. The brief facts of the case are that the present petition is filed by the petitioner against the respondent Nos. 1 & 2 who are his minor son and wife.
3. Respondent No. 1 has filed a maintenance petition under Section 125 of the Code of Criminal Procedure, 1973 (“CrPC”) through his mother/respondent no. 2 seeking maintenance from the



petitioner.

4. On filing of the said maintenance petition, the respondents also filed an application under Order VII Rule 10 of the Code of Civil Procedure, 1908 (“CPC”).

5. In the said maintenance petition under Section 125 of CrPC, it is stated that the respondents have been residing at T-21A, Ward No.3, Mehrauli, Delhi-110030. In the said application under Order VII Rule 10 of CPC, it is stated that the respondents are residing in a rented apartment at H No.37-H, Pocket-A1, Mayur Vihar, New Delhi-110096. However, the Aadhar Card of respondent No. 2 shows her address as C-807, Amrapali Zodiac, Sector-120, Gautam Budh Nagar, Uttar Pradesh.

6. It is the submission of the learned counsel appearing on behalf of the petitioner that the said maintenance petition under Section 125 of CrPC has been filed in Saket Courts, Delhi with the intention to harass the petitioner. The said maintenance petition under Section 125 of CrPC falls within the territorial jurisdiction of Karkardooma Courts, Delhi.

7. I have heard learned counsels for the parties and perused the material on record.

8. The operative paragraphs of the impugned common order dated 07.10.2024 passed by the learned Family Court as under:-

“9. It is well-settled law that to file a petition U/s 125 CrPC seeking maintenance the petitioner is not required to file the petition where she is permanently residing but the law permits the petitioner to file the petition at the place where she is residing even temporarily. It has been observed in



large number of cases that where the petitioner is wife and she has been expelled by her in-laws from her matrimonial home or she left her matrimonial home and returned to her parental house and starts residing with the parents and filed a petition U/s 125 CrPC from the address of the parents. In such cases the petitioner is allowed to file the petition U/s 125 CrPC from the address of her parents and the respondent/husband cannot be allowed to take plea that she is not residing with her parents permanently.

*10. The Hon'ble High Court of Delhi in **Shikhar Goel Vs. Robina Kaushik & Anr.** (Supra) has held/observed in para 23 as under:-*

“23. As per the impugned Order herein, the fact that the parents of the Respondent/wife have two houses, i.e. one in Faridabad and the other in Vasant Kunj, Delhi, can only mean that territorial jurisdiction can be conferred in both Faridabad as well as Delhi. Further, the filing of the DV Act petition, the DIR as well as lodging of the FIR by the Respondent/wife with Police Station Vasant Kunj only justifies the contention of the Respondent/wife that she is residing at Vasant Kunj, and this has been adequately considered by the learned Principal Judge.”

*11. In **Sachin Gupta Vs. Rachna Gupta** (Supra) the Hon'ble High Court of Delhi has observed/held in para 6 and 9 as under :-*

“6. In terms of Section 126(1)(b), the respondent would be entitled to maintain a petition both at the place where the husband is residing as also at the place where she is residing. Section 126(1) does not contemplate a permanent place of residence. Even a place where the wife is for the time being residing would confer jurisdiction on such a court, where she is residing. However, residence



temporarily acquired solely for conferring jurisdiction would not satisfy the requirement of Section 126(1).

9. Keeping in view of the fact that the wife can maintain a petition at any place where she is residing and the flat that the respondent has placed on record copies of her Aadhar Card, Voter ID Card, which reflect the address of Delhi, I am of the view that the Trial Court has not committed any error in the impugned order by rejecting the application of the petitioner holding that the Trial Court has territorial jurisdiction.”

12. In view of the above discussions and relying upon the above discussed rulings, this court is of the concerned view that there is no application U/o VII Rule 10 CPC and the application U/s 340 CrPC, therefore, both the applications are dismissed.”

9. On perusal, I am of the view that the analysis of the learned Family Court is correct in law and needs to be upheld.

10. It is a settled proposition that for maintenance petition under Section 125 of CrPC, the aggrieved person (respondents) is not required to file the petition where she is permanently residing but the law permits the aggrieved person (respondents) to file the petition at the place where she is residing even temporarily.

11. The respondent No.2 has categorically stated that at most times, she resides with her mother in Mehrauli, Delhi and occasionally resides in her rented apartment at Mayur Vihar, Delhi.

12. Additionally, I am unable to understand the grievance of the petitioner in the present case. Here, it is not the case that the petitioner is residing somewhere near Karkardooma Court, Delhi and



the said Court is a forum which is convenient to the petitioner.

13. Admittedly, the petitioner has been residing in Canada for the last two and a half years and the fact of whether the Saket Courts, Delhi or the Karkardooma Courts, Delhi adjudicates the petition should not be a bother to the petitioner.

14. Therefore, I am of the view that application under Order VII Rule 10 of CPC has been correctly rejected by the learned Family Court.

15. In addition, the application under Section 340 of CrPC has also been correctly dismissed by the learned Family Court.

16. Therefore, I am of the view that the common order dated 07.10.2024 in Maintenance Case Nos. 266/2023 and 268/2023 passed by the learned Principal Judge, Family Court, Saket Courts, New Delhi, is well reasoned and does not require any interference.

17. For the reasons stated above, the present petition is dismissed.

JASMEET SINGH, J

FEBRUARY 10, 2025 / (MS)

Click here to check corrigendum, if any