



2025:DHC:2487



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.04.2025

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CRL.REV.P.(MAT.) 106/2025 & CRL.M.A. 7336/2025

MOHD. SAALIM QURESHI

.....Petitioner

Through: Mr. Sunil Dalal, Sr. Advocate with
Mr. Ankit Rana, Advocate

versus

MS. NAGHMA

.....Respondent

Through: Mr. Raj Kumar, Advocate (through
VC)**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. Petitioner has assailed order dated 20.12.2024 of learned Judge, Family Court, North-East, Karkardooma Courts, Delhi whereby in the proceedings under Section 125 Cr. P.C., ad-interim maintenance was fixed.

2. Learned Senior Counsel for petitioner has taken me through the impugned order, from which it appears that the learned Family Court fixed the ad-interim maintenance at the rate of Rs. 10,000/- per month to be paid from the date of filing the petition till disposal of interim maintenance application, relying solely on the statement of the present petitioner as regards his occupation and earnings. Learned Senior Counsel for petitioner submits that before the trial court, the petitioner filed a detailed reply, specifically pleading that the present respondent is living in adultery with

CRL.REV.P.(MAT.) 106/2025

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her brother-in-law and was caught red-handed. In support of the said averments, the present petitioner also placed on record certain photographs and videos, but the same were completely ignored by the learned trial court. Learned Senior Counsel for petitioner contends that in view of Section 125 (4) Cr. P.C., not just the regular maintenance, but even interim maintenance cannot be awarded where the lady is living in adultery.

3. I find substance in the submissions of learned Senior Counsel for petitioner that the impugned order is not sustainable because the learned Family Court neither accepted nor rejected the allegations of the present petitioner as regards the respondent living in adultery nor even held that the said allegations would be considered after the conclusion of trial.

4. In view of the aforesaid, learned counsel for respondent also in all fairness admits that the impugned order cannot be sustained.

5. In the above circumstances, as requested by both sides, the present petition is allowed and the impugned order is set aside, remanding the matter to the learned trial court to pass fresh order in view of above observations.

6. Both sides shall appear before the learned trial court on 21.07.2025, which is stated to be the date already fixed.

**GIRISH
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GIRISH KATHPALIA, J

APRIL 9, 2025/‘rs’