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

+ **CRL.M.C. 1242/2019 & CRL.M.A. 12800/2019**

ASHISH PAARCHA

.....Petitioners

Through: Mr. Gaurav Raghav and Mr. Ashish
Upadhyay, Advocates.

versus

SONIA & ORS.

.....Respondents

Through: Mr. Pulkit Verma and Ms. Sarla
Tanwar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.04.2025

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1. The present petition is directed against order dated 23rd January, 2019¹ passed by the Court of ASJ, Dwarka Courts, Delhi in CA No. 450/2018, whereby the Court modified the order dated 03rd October, 2018, passed by the Trial Court and enhanced the quantum of interim maintenance awarded to the Respondents.

2. Briefly stated, the facts leading up to filing of the present petition are as follows:

2.1. On an application filed by Respondent No. 1 under Section 23 (2) of the Protection of Women from Domestic Violence Act, 2005², interim maintenance of INR 16,000/- per month was awarded in favour of the Respondent No. 1 and the minor son and daughter of the Respondent No. 1 and the Petitioner. Subsequently, Respondent No. 1 also preferred an appeal before the Court of ASJ, whereby the impugned order was passed in the

¹ "Impugned order"



following terms:

“14. Monthly earnings of respondent is Rs. 1.04 lacs as such appellant no.1 and her two minor children are entitled for at-least half of his earnings if not more. Respondent is already paying Rs. 18,000/- per month towards school fees and transportation charges of his minor children (appellants no 2&3). As such, respondent is directed to pay a sum of Rs. 32,000/- per month to appellant no. 1 with effect from March 2018 towards her maintenance and maintenance of her minor children besides that respondent shall continue to pay school fees and transportation charges for appellants no. 2 & 3.”

2.2. As per the aforementioned order, the Petitioner was directed to pay a sum of INR 32,000/- per month to Respondent No. 1, with effect from March 2018, towards her maintenance as well as the maintenance of her minor children. It was further directed that Petitioner shall continue to pay the school fee and transportation charges of the children.

2.3. On 06th March, 2019, while issuing notice, the Court passed the following order:

“Crl. M.A. 4919/2019

Allowed, subject to all just exceptions.

Application is disposed of.

Crl. M.C. 1242/2019 and Crl. M.A. 4851/2019 (Stay)

Notice be issued to the respondents. Notice to respondent nos. 2 and 3 be served through respondent no.1.

List on 12th July, 2019.

Till next date of hearing, operation of the impugned order shall remain stayed, subject to petitioner paying maintenance to the respondent no.1, in terms of order of the trial court.

Dasti.”

3. The Petitioner has been regularly making payment as per the order of the Trial Court and there are no arrears. Counsel for the Respondents states that the salary of the Petitioner has since increased during the pendency of the present proceedings and the Respondents have applied for enhancement

² “DV Act”



of the maintenance awarded to them, but the same is not being adjudicated in view of the pendency of the present proceedings. He further states that the proceedings before the Trial Court are at the stage of Complainant's evidence. Accordingly, he submits that the present petition be disposed of with a liberty to the Respondents to pursue their relief for enhancement of the maintenance, before the Trial Court, in light of the change in circumstances.

4. In light of the above circumstances, considering the fact that parties are already leading evidence before the Trial Court and the matter is nearing conclusion, the present petition is disposed of with a direction that the Petitioner shall continue to pay the interim maintenance as awarded by way of the Trial Court.

5. It is, however, made clear that the Respondents shall be at liberty to apply for enhancement of the said maintenance, before the Trial Court, in accordance with law. As and when such an application is filed, the same shall be considered on its own merits.

6. It is further clarified that the Court has not expressed any opinion on the merits of the case and the Trial Court shall decide the petition on its own merits uninfluenced by the observations made in the interim directions of this Court. All the rights and contentions of the parties are left open.

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

SANJEEV NARULA, J

APRIL 8, 2025

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