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

+ CRL.REV.P.(MAT.) 251/2025, CRL.M.A. 16348/2025

AHUTI RAUL & ANR.

.....Petitioners

Through: Mr. Aadil Singh Boparai, Ms. Riddhi Goyal and Mr. Abhishek Dubey,
Advocates.

versus

SANJAY RAUL

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **26.05.2025**

1. The present criminal revision petition filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023³ (earlier Section 397 of the Criminal Procedure Code, 1973⁴) read with Section 442 of BNSS, is directed against order dated 4th April, 2025⁵, in M.T. No. 249/2022 titled as **Ahuti Raul vs. Sanjay Raul**, which reads as follows:

“Matter was listed for arguments on interim maintenance application.

Heard both the parties.

They had I tried to settle the matter but nothing as such has been finalized.

Petitioner has submitted that she is unable to meet out her expenses in the maintenance sum of Rs. 25,000/- Per month which is currently being paid by the respondent/husband.

Respondent on the other hand submits that, apart from the maintenance he is also bearing all the expenses of the therapy of the son

³ “BNSS”

⁴ “CrPC”

⁵ “impugned order”



and the school expenses of the daughter including school fees and transport. After discussion, the respondent has fairly consented that he shall increase the maintenance from Rs. 25,000/- to Rs. 40,000/- from the month of April, 2025. He has also requested that, his name and phone number be added in the School Record of the daughter.

Accordingly, Saint Mary School, Safdarjung Enclave is directed to add the name and phone number of father of Ms. Samarpita Raul studying in class - 5 C.

Respondent has further submitted that from 10.03.2025 the son is staying with him.

Further, towards an attempt for amicable settlement, the parties have decided that in the forthcoming holidays starting from 12.04.2025 to 14.04.2025 they will stay in the house of the respondent at Noida. The respondent is directed to instruct the security guard etc of the society so that they do not restrict the entry of petitioner in the society. Similarly, the petitioner is also directed not to create any such circumstance which affects the dignity/reputation of the respondent.

If this weekend visitation remains successful then the parties can have more such visitations on weekends till NDOH.

*Copy of this order be given dasti to both the parties, as prayed for.
Matter be listed for further hearing on 08.07.2025.”*

2. The aforementioned order was passed pursuant to the directions issued by this Court *vide* order dated 19th December, 2024 in CRL.M.C. No.9991/2024, wherein this Court had directed the Family Court to expeditiously dispose of the interim application.

3. The impugned order, as extracted above, indicates that during the course of proceedings, the Respondent voluntarily consented to enhance the maintenance amount from INR 25,000/- to INR 40,000/-, effective from the month of April, 2025. The order of the Family Court does not reflect any protest or objection raised by the Petitioner with respect to the inadequacy of the enhanced amount. This lends an impression that the order may have been passed with the consent of the parties. However, Counsel for Petitioner submits that he had appeared before the Family Court and had expressly lodged his objection to the enhancement, contending that the revised amount

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was inadequate and insufficient to meet the Petitioner's requirements.

4. In such circumstances, and considering that the impugned order does not address the merits of the case, liberty is granted to the Petitioner to approach the Family Court for a decision on merits. Such determination would be a prerequisite for this Court to examine any challenge in revision.

5. In light of the foregoing, the present petition is disposed of with liberty to the Petitioner to apply for a decision on the merits of the case.

6. All rights and contentions of the parties are left open.

7. Pending application is also disposed of.

SANJEEV NARULA, J

MAY 26, 2025

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