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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 38/2022 & CRL.M.A. 1124/2022 & CRL.M.A.
38733/2024
ZULFIQARPetitioner

Through: Ms. Juhi Arora, Advocate
versus

NAZNEENRespondent

Through: Mr. Soumava Karmakar, Mr. Nishant
Singh, Ms. Jyoti Bajaj, Mr. Diwanshu
and Mr. Amit Kumar Rana,
Advocates

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **13.02.2025**

1. The instant revision petition under Section 397 of the Code of Criminal Procedure, 1973 (hereinafter "Code") [now under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS")] has been filed on behalf of the petitioner seeking the following reliefs:

"a. Set aside and quash the impugned order dated 02.07.2020 passed by Hon'ble Court of Late Sh. Kovai Venugoppal passed in the above-mentioned case.

b. Reduce the amount of relief, from Rs.25,000/- awarded to the Respondent, to as much as the Hon'ble Court deems fit.

c) To grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case "

2. The brief facts of the case are that the petitioner and respondent solemnised their marriage on 9th October, 2015 as per Muslim rites and ceremonies at Nizamuddin, Delhi. On 10th October, 2016, one child is born out of their wedlock. It is pertinent to state that the respondent has another child from her previous marriage. Thereafter, due to temperamental issues



between the parties herein, they started living separately since the year 2017.

3. Thereafter, the parties approached the Delhi High Court Mediation Centre on 21st November, 2017 for the resolution of their disputes, however, the same was unsuccessful.

4. The respondent filed an application under Section 125 of the Code seeking interim maintenance for herself and two children and vide order dated 2nd July, 2020, the learned Judge, Family Court, South East District, Saket, New Delhi (hereinafter “Family Court”) granted an interim maintenance amount of Rs. 25,000/- per month to be paid by the petitioner to the respondent from the date of filing of the said application until further orders. Aggrieved by the same, the petitioner filed the instant petition.

5. Learned counsel appearing on behalf of the petitioner submitted that the impugned order passed by learned Family Court is bad in law and was passed without considering the material placed on record.

6. It is submitted that the Predecessor Bench of this Court vide order dated 19th January, 2022 stayed the proceedings before the learned Family Court on the pretext of petitioner’s undertaking to pay a sum of Rs. 15,000/- to the respondent during the pendency of mediation proceedings. It is further submitted that the petitioner has been paying a sum of Rs. 15,000/- to the respondent and has no arrears left to be paid. Moreover, it is submitted that the petitioner had paid a surplus amount of Rs. 7,50,000/- to the respondent as per the ledger, which is appended as Annexure-A1 to the reply filed by the respondent.

7. *Per Contra*, learned counsel appearing on behalf of the respondent vehemently opposed the submissions advanced by the learned counsel for



the petitioner and submitted that the petitioner has not paid the interim maintenance at the rate of Rs. 15,000/- per month, for three months. However, on instructions, learned counsel for the respondent prayed that the instant petition may be disposed of with the direction to modify the interim maintenance amount as granted vide impugned order from Rs. 25,000/- to Rs. 20,000/-.

8. On instructions, learned counsel for the petitioner has no objection if the instant petition is disposed of as per the aforesaid direction prayed for by the respondent. Learned counsel for the petitioner undertakes that the petitioner shall pay a sum of Rs. 20,000/- per month to the respondent as maintenance.

9. Taking into consideration the prayer sought by the learned counsel for the respondent and the undertaking given on behalf of the petitioner, this Court reduces the interim maintenance to be paid by the petitioner to the respondent from Rs. 25,000/- to Rs. 20,000/- per month.

10. Accordingly, the impugned order dated 2nd July, 2020 stands modified as per the aforesaid terms. It is made clear that the arrears regarding the interim maintenance, if any, shall be paid within four weeks.

11. Accordingly, the instant petition alongwith pending applications, if any, is disposed of.

CHANDRA DHARI SINGH, J

FEBRUARY 13, 2025
gs/mk

Click here to check corrigendum, if any