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

+ **CRL.M.C. 2125/2018 & CrI.M.A. 7576/2018**

SHAKUNTALA DEVI

.....Petitioner

Through: Mr. Awadesh Kumar, Advocate

Versus

THE STATE & ORS.

.....Respondents

Through: Mr. Shoaib Haider, Additional
Public Prosecutor for Respondent-
State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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13.02.2025

1. The present Petition under Section 482 of Code of Criminal Procedure has been filed against the order dated 17.01.2018, whereby the learned Additional Session Judge has modified that the order dated 27.04.2017 passed by the learned Metropolitan Magistrate in Petition under Section 12 of *The Domestic Violence Act, 2012*.

2. The learned Metropolitan Magistrate vide Order dated 27.04.2017 had granted interim maintenance in the sum of Rs.22,000/- from the date of filing of the Petition, but has been modified by the learned Additional Session Judge to the date of the Order.

3. Learned Counsel on behalf of the Petitioner has submitted that there was no justification for changing the date from which interim



maintenance would be payable. The Petitioner is an old lady of 77 years of age and has no means to support herself. Therefore, the interim maintenance be directed to be paid from the date of filing of the Petition.

4. None has appeared on behalf of the Respondent. Opportunity given.

5. **Submission heard and record perused.**

6. The only issue for consideration is whether the “*interim maintenance*” should be payable from the date of filing of the Petition or from the date of Order.

7. The learned Additional Session Judge in the impugned Order has observed that maintenance under Section 125 of Code of Criminal Procedure had been denied to the Petitioner as she had two properties in her name and had rental income. However, on account of change of circumstances, interim maintenance of Rs.22,000/- per month has been granted. It has also been observed that the change in circumstances is subsequent and therefore, interim maintenance has been directed to be paid from the date of the Order and not from the date of the Application.

8. The learned Additional Session Judge in the impugned Order dated 17.01.2018 has given reasons as to why the interim maintenance has to be paid from the date of the Order and not from the date of the Application.

9. The impugned order dated 17.01.2018 does not merit any interference. The present Petition and pending application is hereby dismissed.

NEENA BANSAL KRISHNA, J

FEBRUARY 13, 2025

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