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

+ CRL.M.C. 8803/2025 & CRL.M.As. 36686/2025, 36687/2025

SH. SUNNY ARYA

.....Petitioner

Through: Ms. Neha Garwa, Advocate.

versus

SMT. BHAWNA ARYA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.12.2025

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1. This petition under Section 482 of the Code of Criminal Procedure, 1973¹ read with Section 227 of the Constitution of India, 1950 is directed against order dated 30th October, 2025 passed by the JMFC in Complaint Case No. 896/2021, titled ***“Bhawna Arya v. Sunny Arya”***.

2. The Petitioner (husband) is the respondent in the aforesaid complaint instituted by the Respondent (wife) seeking interim maintenance under Section 12 of the Protection of Women from Domestic Violence Act, 2005.² The Respondent has also sought separate accommodation under Section 19(1)(f) of the said Act. By the impugned order, the Trial Court recorded that arguments had been heard on the applications for interim maintenance and for alternate accommodation, and that the matter was listed for orders on

¹ “Cr.P.C.”

² “DV Act”



10th December, 2025.

3. The Petitioner alleges that a copy of the Respondent's income affidavit was not supplied to him and, in its absence, the Trial Court could not have proceeded to hear arguments on the issue of interim maintenance. It is therefore contended that the impugned order dated 30th October 2025, recording the conclusion of arguments and listing the matter for orders on interim maintenance, be set aside.

4. The Court has considered the submissions of the Petitioner and perused the previous orders of the Trial Court. On 12th February, 2025, the Trial Court noted that the Respondent's income affidavit is on record, directed that a copy be supplied to the Petitioner, and listed the matter for 3rd June, 2025. Pertinently, on that date, the Petitioner did not raise any grievance regarding non-supply of the affidavit. In these circumstances, when the Petitioner reiterated the same grievance on 30th October, 2025, the Trial Court declined to grant any adjournment on this ground and proceeded to hear arguments on interim maintenance, observing that the contention appeared to be an attempt to delay the proceedings.

5. The Court has specifically queried whether the Petitioner had addressed any communication to counsel for the Respondent to ascertain whether the affidavit had been furnished, in compliance with the direction issued on 12th February 2025. In response, counsel for the Petitioner acknowledges that there is no written or WhatsApp communication to this effect, and states that telephone calls were made in this regard. In the absence of any such record, the Court is unable to conclude whether a copy of the affidavit was indeed supplied or not.

6. It is also pertinent to note that no grievance regarding non-supply was



raised by the Petitioner to this effect on 3rd June, 2025. Although counsel submits that the grievance was raised but not recorded, it remains unexplained why, for four months, the Petitioner took no steps to inspect the Court record if the copy was not available with him.

7. In these circumstances, the Court finds no infirmity in the approach adopted by the Trial Court. The lapse on the part of the Petitioner and his counsel in ensuring compliance with the earlier direction cannot be permitted to stall or delay the proceedings, particularly when no supporting material has been placed on record to substantiate the claim of non-supply.

8. The petition is accordingly, dismissed along with the pending applications.

SANJEEV NARULA, J

DECEMBER 9, 2025

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