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

\+ CRL.REV.P.(MAT.) 3/2025, CRL.M.A. 284/2025

CHAND SETH .....Petitioner

Through: Mr. Kunal Narang, Advocate.

versus

NIKHILA SETH .....Respondent

Through: None.

**CORAM:**
**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**O R D E R**

**% 09.01.2025**

**CRL.M.A. 285/2025 (exemption)**

Exemption granted, subject to just exceptions.

The application stands disposed-of.

**CRL.REV.P.(MAT.) 3/2025**

By way of the present revision petition filed under sections 438/442 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner impugns judgment dated 30.09.2024 passed by the learned ASJ, Karkardooma District Courts, Delhi, whereby the learned Sessions Court has been pleased to uphold order dated 09.06.2023 passed by the learned Metropolitan Magistrate, Mahila Court, Karkardooma District Courts, Delhi.

2. *Vide* order dated 09.06.2023, the learned Magistrate had directed the petitioner (husband) to pay to the respondent (wife) *ad-interim*



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maintenance of Rs. 40,000/- per month from the date of filing of the petition under section 12 of the Protection of Women from Domestic Violence Act, 2005 ('DV Act') till disposal of the petition or till such time as the wife is entitled to receive the maintenance, whichever is earlier.

3. The matter is stated to be pending before the learned Magistrate for amendment of the written statement filed by the petitioner in those proceedings and is posted next on 21.02.2025.

4. Though by way of order dated 09.06.2023, the learned Magistrate has disposed of the interim application seeking *ad-interim* maintenance, the petition seeking interim maintenance is still pending consideration before the learned Magistrate.

5. It is further observed that the sum of Rs. 40,000/- per month has been awarded as *ad-interim* maintenance by the learned Magistrate based on an income affidavit filed by the petitioner, whereby he has averred that he incurs an expense of about Rs.1.5 to 2 lacs on account of his dependant parents and children. However, today, Mr. Kunal Narang, learned counsel appearing for the petitioner submits that the petitioner is only earning about Rs. 15,000/- to Rs.20,000/- per month as per his subsequent affidavit filed in the matter.

6. Mr. Narang further submits, that the earlier income affidavit disclosing expenses of about Rs. 1.5 to 2 lacs did not bear the petitioner's signature and was filed by his previous counsel without any authorisation. Learned counsel also informs the court, that proceedings against the previous counsel have also been initiated by the petitioner.



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7. Be that as it may, this court is of the view that since order dated 09.06.2023 passed by the learned Magistrate grants *ad-interim* maintenance, it is in the nature of an interlocutory order, and this court is therefore not inclined to entertain the present revision petition.

8. In view of the above, the present revision petition is dismissed *in liminie*.

9. The revision petition stands disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**JANUARY 9, 2025/**ak



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