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

+ **CRL.REV.P.(MAT.) 214/2026**

RADHA AND ANR

.....Petitioners

Through: Mr. Jagdish Singh, Adv.

versus

SANDEEP KUMAR AND ORS

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **21.04.2026**

CRL.M.A. 12310/2026 (*Exemption*)

1. Allowed, subject to all just exceptions.

2. The present application is disposed of.

CRL.M.A. 12311/2026 (*Delay 12 days in re-filing*)

3. By virtue of the present application, the applicant seeks condonation of delay of *12 days* in re-filing the present petition.

4. For the reasons stated, the present application is allowed and the delay of *12 days* in re-filing the present petition is condoned.

5. The present application is disposed of.

CRL.REV.P.(MAT.) 214/2026, CRL.M.A. 12309/2026 (*Stay*)

6. By virtue of the present petition under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***) read with *Section 397* of the Code of Criminal Procedure, 1973 (***Cr.P.C.***), the petitioners seek the following reliefs:-

“(i) Allow the present revision/ petition of the revisionists/ petitioners recalling the impugned judgment/ order(s) dated 31-01-2026 and 05-08-2024 respectively along with appellate as well as trial court record/ file and allowed

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proper interim relief under section(s) 18,19,20,22 and 23 of D.V. Act specially residential rights/ safety of the revisionists/ petitioners in matrimonial shared house as well as interim maintenance as per prayer clause in the main application i.e. Rs. 50,000/- per month from the date of filing of the complaint and litigation expenses of sum of Rs. 50,000/- and stay on creating any third party interest on the residential matrimonial house bearing No.-52229 Gali No.-1159 Sant Nagar, Burari, Delhi-110 084, and direction to the protection officer/ S.H.O. Concern police station Burari, Delhi to give protection to the revisionists and set-aside/ quash the impugned judgment/ order(s) dated 31-01-2026 and dated 05-08-2024 respectively passed by Sh. Ankur Jain ASJ Tis Hazari Courts and MS. Reetika Jain Mahila Court/ JMFC Tis Hazari Courts Delhi titled as Smt. Radha & Anr. Versus Sh. Sandeep Kumar And Others”

7. Succinctly put, it is the case of the petitioners that the marriage between petitioner no.1 and respondent no.1 was solemnised on 12.12.2002 and out of the said wedlock one child, i.e., petitioner no.2 was born, however, as the petitioner no.1 was treated with cruelty by respondents herein, she was thrown out of her matrimonial house and thus the petitioners had started to reside separately since 07.12.2004. Pursuant thereto, as the respondent no.1 was not maintaining the petitioners, petitioner no.1 had moved an application under *Section 125* of the Cr.P.C. seeking interim maintenance and whereby she was awarded maintenance of Rs.12,000/- per month.

8. Thereafter, the petitioner no.1 made an application under *Section 12* of the Protection of Women from Domestic Violence Act, 2005 (**DV Act**), before the learned JMFC/ Mahila Court-03, Central, Tis Hazari Courts, Delhi (**learned Trial Court**), whereby the learned Trial Court, whilst adjudicating an application made under *Section 23* of the DV Act, passed



an order dated 05.08.2024, against which although an appeal was preferred, however, it was dismissed *vide* order dated 31.01.2026 by the learned ASJ-04, Central, Tis Harazi Court, Delhi (***learned ASJ***).

9. Aggrieved thereby, the petitioners have filed the present revision petition.

10. At the outset, learned counsel for petitioners submits that out of the many reliefs prayed for, he restricts his prayer *qua* the order fixing the interim maintenance with respect to the petitioners. Thus, he submits that the learned Trial Court as also the learned ASJ erred by not considering the actual income demonstrated through the income affidavit of the respondent no.1, revealing his income to be more than Rs.1,00,000/- per month, which was adduced by petitioner no.1 before the learned Trial Court.

11. This Court has heard the learned counsel for the petitioners as also perused the documents on record.

12. As apparent from the records before this Court, this is a case wherein the learned Trial Court was dealing with a situation wherein the evidence was yet to be led by the respondent no.1 *qua* his income. More so, the records also reflect that the evidence in the proceedings arising out of *Section 12* of the DV Act are to conclude and final judgment will be pronounced. In fact, upon query, learned counsel for the petitioners submits that the proceedings under *Section 12* of the DV Act before the learned Trial Court is on the verge of culmination.

13. This means that much water has flown since the passing of the aforesaid orders, and now the final judgment deciding the issue of maintenance in due course is awaited by the learned Trial Court.



14. This Court finds no infirmity or perversity with the impugned order *qua* amounts of the interim maintenance fixed therein by the learned Trial Court, particularly, since the contentions raised by the petitioners herein have been duly considered and adverted too. For the sake of convenience, the relevant extract of the order dated 05.08.2024 passed by the by the learned Trial Court are reproduced as under:-

“... ..In this matter as respondent no. 1 remained absent and did not controvert the plea of complainant by a filing his reply, thus, the averments of the complainant remained uncontroverted. However, it is bounden duty of the complainant to prove the averments as well as this is the interim stage and evidence is yet to be led, therefore, her averments cannot be taken as gospel truth on account of absence of any documentary proof qua the income of respondent no. 1.”.

(Emphasis Supplied)

15. In fact, the learned ASJ has also affirming the same, *vide* order dated 31.01.2026, and held as under:-

“12. The statement of account on which reliance is placed was duly considered by the Ld. Family Court which had awarded a sum of Rs. 12,000/- as reflected from the order dated 29.09.2016. The Ld. JMFC was neither sitting in an appeal nor in revision over the order of the Ld. Family Court. There is no fresh document on record which could suggest that he is still employed with Bajaj Finance or that he is earning more than Rs. 1 Lakh.

13. The appellants in essence were seeking enhancement of the amount of maintenance granted by the Ld. Family Court. The appellants ought to have filed an application u/s 127 Cr.P.C. seeking enhancement of the amount of maintenance although there was no bar to filing of the application under Section 12 of the DV Act before the Ld. JMFC but no additional material was placed by the



appellants before the Ld. JMFC.”

(Emphasis Supplied)

16. Based thereon, this Court does not find any perversity in either of the two orders passed by the learned ASJ and/ or by the learned Trial Court, as such, there is nothing on record and/ or otherwise which calls for this Court to set them aside as there is no scope of interference.

17. Even otherwise, this Court is exercising revisional jurisdiction and not in an appellate jurisdiction, where the ambit itself is very limited. In fact, as held in the judgment passed by the Hon’ble Supreme Court of India in **Amit Kapoor vs. Ramesh Kumar Chandra: (2012) 9 SCC 460**, it is trite law that interference is only permissible when there is some glaringly perversity, illegality, impropriety or there are inherent flaws in the impugned order, and that too of such a nature that no prudent person would have come to that conclusion. If that is not the case, this Court ought/ need not interfere with such an impugned order.

18. In view of the aforesaid, the present petition is dismissed.

19. However, the learned Trial Court is, keeping the board position and pendency in mind, requested to adjudicate upon the proceedings *inter se* the parties by making an endeavour to pass the final judgment therein at the earliest in accordance with law.

SAURABH BANERJEE, J

APRIL 21, 2026/Ab/aks