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

+ **CRL.M.C. 4646/2024**

VARUN AHUJA

..... Petitioner

Through: Mr. N. S. Dalal, Mr. J. B. Mudgil,
Ms.Uma Shankar Vats, Ms.Rachna
Dalal, Mr.Alok Kumar and Ms.Sweta
Kadyan, Advocates.

versus

ADITI HANS AHUJA

..... Respondent

Through: Mr.Kunal Anand and Mr.Sandesh
Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **30.05.2024**

CRL.M.A. 17573/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 4646/2024, CRL.M.A. 17572/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for setting aside order dated 10.05.2024 passed by learned Appellate Court whereby the order dated 02.11.2023 passed by learned MM/Mahila Court-01, North Rohini, Delhi awarding maintenance @ Rs.40,000/- in proceedings under Sections 23 of DV Act was upheld.
2. Issue notice. Learned counsel for the respondent appears on advance notice and accepts notice.
3. Reply be filed before the next date of hearing with an advance copy to



learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that vide order dated 23.10.2021 application for interim maintenance filed on behalf of respondent was earlier dismissed and the same was upheld in appeal by the learned Principal District & Sessions Judge, North District, Rohini Courts, Delhi vide order dated 06.01.2022. He further points out that thereafter the respondent approached High Court but the petition was dismissed as withdrawn vide order dated 22.05.2023. Present application under Section 23 of DV Act for interim maintenance is stated to have been allowed by learned MM granting maintenance @ Rs.40,000/- per month ignoring the aforesaid factual position. He further submits that petitioner is willing to pay maintenance @ Rs.25,000/- per month during the pendency of this petition without prejudice to his rights and contentions.

5. On the other hand, petition is opposed on behalf of the respondent.

6. Considering the totality of the facts and circumstances, impugned order 10.05.2024 passed by learned Appellate Court is stayed till the next date of hearing, subject to petitioner paying interim maintenance @ Rs.25,000/- per month from the date of filing of the application without prejudice to the rights and contentions of the petitioner. Petitioner is further granted a period of 3 months to clear the entire arrears in three equal monthly installments, payable by the 7th of each month.

Trial Court Record be summoned in digital format.

List on 29.08.2024.

ANOOP KUMAR MENDIRATTA, J

MAY 30, 2024/v