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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 577/2022**

SHAKIR ALI

..... Petitioner

Through: Mr.Shivek Trehan and Mr.Pranay
Mohan Govil, Advocates

versus

NISHAT

..... Respondent

Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **06.09.2022**

Crl.M.A. No.17801/2022

Exemption allowed, subject to just exceptions.

Crl.Rev.P. No. 577/2022 and Crl.M.A. No.17800/2022

The petitioner vide the present petition makes the following prayers:

“ A. Allow the present revision petition and set aside the Impugned Order dated 06.06.2022 passed in Nishat v Shakir Ali bearing Mt. No. 97 of 2016 by the Ld. Principal Judge, Family Courts, South East, Saket Courts, New Delhi;

B. Pass Order(s) and /or Direction(s), which this Hon'ble Court may deem fit and proper in the interest of justice.”

Inter alia during the course of submissions made on behalf of the petitioner it has been submitted on behalf of the petitioner that in terms of the directions dated 29.7.2017 of the Court of the learned Metropolitan Magistrate-03, Mahila Court, South East, in CC No. 629816/2016, the



petitioner has been making the payment of the composite sum of Rs.5,000/- per month towards maintenance of the respondent and the minor child of the petitioner and the respondent from the date of the order dated 29.7.2017.

It is submitted on behalf of the petitioner that the impugned order does not take into account the analysis of the earnings of the petitioner as has been made in the said order. It is further submitted on behalf of the petitioner that he is not earning and that the earnings of the father of the petitioner are all that have been taken into account vide the impugned order and that there is no basis for bringing forth that the earnings of the petitioner are not less than Rs.40,000/- per month. The petitioner further submits to the effect that there is no analysis also in the impugned order to bring forth that a sum of Rs.18,000/- per month be paid from the date 1.5.2022 to the respondent as maintenance.

Without any observations on the merits or demerits of the petition, notice of the petition and the accompanying applications are directed to be issued to the respondent, on taking of steps by the petitioner, returnable on 28.11.2022.

Till the next date of hearing, subject to payment of composite maintenance of Rs.10,000/- per month to the respondent and the minor child of the petitioner and the respondent, the operation of the impugned order is stayed.

A copy of this order be sent to the Court concerned.

A copy of this order be also served on the respondent through all modes by the Registry.

ANU MALHOTRA, J

SEPTEMBER 6, 2022/SV