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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 30/2024 & CRL.M.A. 27648/2024
BRIJ MOHANPetitioner

Through: Counsel (appearance not given).

versus

STATE NCT OF DELHI AND ANR Respondents
Through: Ms. Shubhi Gupta, APP for the State.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **12.09.2024**

CRL.M.A. 27650/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

CRL.M.A. 27649/2024 (for condonation of delay)

By way of the present application filed under section 5 of the Limitation Act, 1963 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks condonation of 60 days' delay in *filing* the revision petition.

2. Issue notice.
3. Ms. Shubhi Gupta, learned APP appears on behalf of the State on advance copy; accepts notice; and submits that they have no role in the matter.
4. Upon the petitioner taking requisite steps, let notice on the application be sent to respondent No.2 by all permissible modes, returnable for the next date.



5. Let the notice indicate that reply to the application be filed within 04 weeks of service; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.
6. Re-notify on 25th November 2024.

CRL.REV.P.(MAT.) 30/2024

7. By way of the present petition filed under section 438/442 read with section 528 of the BNSS, the petitioner impugns order dated 31.01.2024 passed by the learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi, whereby the learned Family Court has awarded maintenance in the sum of Rs.23,000/- per month payable by the petitioner to respondent No.2 (petitioner's wife) and to his 03 minor daughters, thereby disposing-of the application seeking interim maintenance.
8. Learned counsel appearing for the petitioner submits, that a perusal of the impugned order would show that the learned Family Court has proceeded only on the basis of the petitioner's admission that he earns Rs.35,000/- per month as a photographer; and by dividing that income into 06 units, and reserving 02 units for the petitioner, the learned Family Court has proceeded to award the remaining 04 units to respondent No.2 and their 03 minor daughters.
9. Counsel submits however, that the learned Family Court has omitted to consider that the affidavit of assets filed by respondent No. 2 as well as her deposition in court shows that she was gainfully employed as a beautician at a beauty parlour; and was therefore in a position to make a living. But instead, the position today is that respondent No.2



alongwith their 03 minor daughters is residing in the petitioner's house and the petitioner has had to re-locate to a rented premises.

10. Counsel argues, that in passing the impugned order the learned Family Court has failed to appreciate the self-induced unemployment on the part of respondent No.2, which hits at the correctness and propriety of the findings made by the learned Family Court, which warrants interference by this court in its revisional jurisdiction.
11. On a *prima-facie* view of the matter, issue notice.
12. Ms. Shubhi Gupta, learned APP appears on behalf of the State on advance copy; accepts notice; and submits that they have no role in the matter.
13. Upon the petitioner taking requisite steps, let notice be sent to respondent No.2 by all permissible modes, returnable for the next date.
14. Let the notice indicate that reply to the petition be filed within 04 weeks of service; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.
15. It is clarified that the present revision petition would be considered subject to the decision on the condonation of delay application.
16. It is also made clear that there is no stay of the proceedings pending before the learned Family Court.
17. Re-notify on 25th November 2024.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 12, 2024/ V.Rawat