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

+ **CRL.REV.P.(MAT.) 108/2024**

MAYANK AGGARWAL

..... Petitioner

Through: **Mr Brijesh Kumar Sharma and
Ms Payal Gupta, Advs.**

versus

PARIDHI MITTAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **25.11.2024**

CRL.M.A. 35222/2024 & CRL.M.A. 35223/2024

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

CRL.REV.P.(MAT.) 108/2024

3. This is a petition under Section 438 of BNSS seeking setting aside of judgment dated 30.09.2024 passed by the learned ASJ (Shahdara), Karkardooma Courts, Delhi in Criminal Appeal No. 109/2024 in appeal of order dated 27.04.2024, wherein the interim maintenance of Rs. 35,000/- per month to be payable by the petitioner has been reduced to Rs. 22,800/- per month from the date of filing of the petition under the Domestic Violence Act.
4. Admittedly, in the present case, the respondent is an MBBS qualified doctor and has the capacity to earn. The learned ASJ also noted that in the Assessment Years 2021-2022, 2022-2023 and 2023-2024, the respondent



was generating income but under the Income Affidavit she showed 'NIL' income. The respondent was working till 23.11.2023 and thereafter has taken a sabbatical to prepare for her M.D. degree and hence resigned from her job on 15.11.2023. For the said reasons, the learned ASJ was pleased to reduce the monthly maintenance from Rs. 35,000/- to Rs. 22,800/-.

5. In the present case, I am of the view that the fact that the respondent was working as a doctor till 23.11.2023 and was earning more than the petitioner has not been considered by the learned ASJ. In addition, my attention has been drawn to a notification dated 24.08.2023 wherein post-graduate students are to be paid stipend. The same has also not been considered by the learned ASJ.

6. For the said reasons, issue notice to the respondent by all modes including electronic on the petitioner taking requisite steps within one week from today, returnable on 11.02.2025.

CRL.M.A. 35221/2024

7. This is an application filed on behalf of the petitioner seeking stay of the execution proceedings of the impugned judgment dated 30.09.2024 passed by the learned ASJ (Shahdara), Karkardooma Courts, Delhi in Criminal Appeal No. 109/2024.

8. The amount of 50% shall be paid in two instalments within four weeks each i.e. first instalment on or before 25.12.2024 and second instalment on or before 25.01.2025. In addition, the petitioner shall continue to pay Rs. 15,000/- per month to the respondent on or before 7th of each month. The amounts paid shall be subject to the outcome of the present petition.

9. Subject to the above, the execution petition, if any, filed by the



respondent shall remain stayed.

10. List on 11.02.2025.

JASMEET SINGH, J

NOVEMBER 25, 2024

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[Click here to check corrigendum, if any](#)