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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 131/2024, CRL.M.A. 36488/2024**
& CRL.M.A. 36489/2024

RAVI GUPTA

.....Petitioner

Through: Mr. Prashant Mendiratta,
Ms. Malvika Chaudhary,
Ms. Somyashree & Mr.
Rahul Bhaskar, Advs.

versus

NISHI GUPTA & ANR.

.....Respondents.

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **04.12.2024**

CRL.M.A. 36490/2024(exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.REV.P.(MAT.) 131/2024, CRL.M.A. 36488/2024 &
CRL.M.A. 36489/2024

3. The petitioner challenges the order dated 03.09.2024, in MT No. 56002/16, passed by the learned Family Court, pursuant to which the petitioner is directed to pay a sum of ₹2,12,000/- to the Respondent No. 1 which she claimed to have paid for the admission of Respondent No. 2 in M. Tech Engineering in Computer Science.

4. The petitioner is also directed to pay the Tuition Fee, Hostel and Mess charges and other related expenses.

5. The learned counsel for the petitioner submits that the petitioner is not in position to pay the amount as directed by the learned Family Court. He submits that the Respondent No. 1 on



earlier occasion had instituted a case under the Protection of Women from Domestic Violence Act, 2005 ('DV Act'). He submits that the petitioner was directed to pay a sum of ₹30,000/- as an interim maintenance to the Respondent No. 1 in the said case.

6. He submits that the learned Trial Court on that occasion assessed the income of the petitioner and awarded interim maintenance of ₹30,000/- per month only. He submits that the Respondents' challenge to the said order under DV Act is pending consideration before this Court. However, at this stage, it cannot be denied that the petitioner does not have means to pay any further amount.

7. He further submits that Respondent No. 2, who is 23 year old son of the petitioner and Respondent No. 1, had assaulted the petitioner which has led to registration of an FIR being FIR No.461/2019 under Sections 323/341/34 of the Indian Penal Code, 1860. He submits that the petitioner cannot be directed to pay the fees for his son who had mercilessly beaten his own father.

8. Issue notice.

9. Notice be served through all permissible modes.

10. The petitioner is permitted to serve the respondents through the learned counsel who represents them before the learned Trial Court.

11. The direction to pay a sum of ₹2,12,000/- per month to Respondent No. 1 is stayed till the next date of hearing.

12. List on 17.03.2025.

AMIT MAHAJAN, J

DECEMBER 4, 2024

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