



\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 164/2024 & CRL.M.A. 37900/2024, CRL.M.A. 37901/2024**

VIVIDH GUPTA

....Petitioner

Through: Mr. Vishal Prasad and Ms. Ritika Sethi, Advocates

versus

BHAWNA GUPTA

.....Respondent

Through: Nemo

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

13.01.2025

CRL.M.A. 37902/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 647/2025 (for delay)

3. By way of present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS')/Section 482 of the Code of Criminal Procedure, 1973 (hereafter 'CR.P.C.'), the applicant seeks condonation of delay of 22 days in filing the present revision petition.
4. For the reasons stated in the application, the same stands allowed.
5. Accordingly, the present application stands disposed of.

CRL.REV.P.(MAT.) 164/2024

6. The present petition under Section 438 read with Section 528 of BNSS



and Section 397, 401 read with Section 482 of Cr.P.C. has been filed on behalf of the petitioner seeking setting aside of the impugned order dated 16.07.2024 passed by the learned Judge, Family Court-01, North-East District, Karkardooma Courts, Delhi, *vide* which the petitioner was directed to pay a sum of Rs.12,500/- per month to the respondent towards interim maintenance. The learned counsel for the petitioner argues that while passing the said order, the learned Trial Court did not take into consideration the fact that the net income of the petitioner is only Rs.21,000/- per month and his total expenses are about Rs.20,000/- per month and therefore, he has not been able to pay Rs.12,500/- per month to the respondent. It is also contended that the learned Trial Court has committed an error while assessing the income of the petitioner at Rs.50,000/- and the Court also did not consider the deductions made towards the payment of the loan instalments.

7. On the petitioner taking steps, let notice be issued to the respondent through all permissible modes, including electronically, for the next date of hearing.
8. List on 18.03.2025.
9. Let the Trial Court Record in digitized form be summoned two days prior to the next date of hearing.
10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 13, 2025/ns

Click here to check corrigendum, if any