



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No.40 of 2026 with

Cr.MMO No.186 of 2026 with

Date of Decision: 18.05.2026

1. Cr. Revision No.40 of 2026

Aditya KumarPetitioner

Versus

Pooja Sachdeva ... Respondent

2. Cr.MMO No.186 of 2026

Pooja SachdevaPetitioner

Versus

Aditya Kumar ... Respondent

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Ms. Aekta Vats and Ms. Leena Guleria, Advocates, for the petitioner in Cr. Revision No.40 of 2026 and for the respondent in Cr.MMO No.186 of 2026.

For the Respondent: Mr. Aditya Jain, Mr. Deven Khanna and Ms. Priya Sharma, Advocate, for the petitioner in Cr.MMO No.186 of 2026 and for the respondent in Cr. Revision No.40 of 2026.

Sandeep Sharma, Judge(oral):

Since common questions of law and facts are involved in the above-captioned petitions and the parties herein are aggrieved of order dated 05.07.2025, passed by learned Additional Sessions Judge(C.B.I) Shimla, District Shimla, Himachal Pradesh, both the

¹Whether the reporters of the local papers may be allowed to see the judgment?



petitions were heard together and now same are being disposed of by this common order. However, for the sake of clarity, facts of Cr. Revision No.40 of 2026, titled as **Aditya Kumar vs. Pooja Sachdeva** are being discussed herein below:-

2. Instant Criminal Revision Petition filed under Section 438/442 of Bharatiya Nagarik Suraksha Sanhita, 2023, lays challenge to order dated 05.07.2025, passed by learned Additional Sessions Judge (C.B.I) Shimla, District Shimla, Himachal Pradesh, whereby, while partly allowing the appeal filed by the petitioner under Section 29 of the Protection of Women from Domestic Violence Act, against order dated 25.07.2024, learned Appellate Court reduced the interim maintenance awarded by learned trial Court from Rs. 35,000/- to Rs. 25,000/- per month.

3. In nutshell, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by learned counsel for the petitioner, is that learned Court below, while passing the order impugned in the instant proceedings, failed to take note of the fact that respondent is not dependent upon the petitioner, rather she has been earning handsomely. Learned counsel for the petitioner, while referring to certain documents adduced on record, attempted to argue that respondent, being a Dentist, has been earning a handsome amount, whereas the petitioner, though is working in a company, but



does not have any own place to live as such, is compelled to spend a huge amount towards his rented accommodation in Delhi.

4. To the contrary, learned counsel representing the respondent submitted that learned trial Court, taking note of the pleadings as well as other material adduced on record by the respective parties, had awarded interim maintenance to the tune of Rs. 35,000/-, which otherwise is also on lower side, but yet learned Additional Sessions Judge, Shimla, merely on the basis of the pleadings adduced on record by the petitioner suggesting that the respondent, being a Dentist, earning handsomely, proceeded to reduce the amount. He submitted that on account of matrimonial discord interse parties, respondent is compelled to reside at her parental house and at present, she is without any job. He submitted that by no stretch of imagination, sum of Rs. 35, 000/-, which has been further reduced to Rs. 25,000/-, by learned Additional Sessions Judge, Shimla, can be said to be sufficient for maintenance of a single person. While referring to certain documents adduced on record by the petitioner, learned counsel for the respondent submitted that petitioner, as of today, is drawing salary of more than Rs. 2,00, 000/- per month, coupled with the fact that he has a big family to support. He submitted that though petitioner resides at Delhi in his own house, but with a view to ensure that no amount is claimed by the respondent, a camouflage has been created by the petitioner to



project that he has been ousted from his parental house as well as property.

5. Having heard learned counsel representing the parties and perused the material adduced on record, this Court finds that the main petition filed under Section 12 of the Protection of Women from Domestic Violence Act, seeking maintenance is still pending adjudication, but before same could be taken to its logical end, parties to the *lis* have been litigating against each other with regard to the quantum of interim maintenance. The very purpose and object of awarding interim maintenance is to ensure that the party seeking such maintenance is not left to starve during the pendency of the main proceedings. By now, it is well settled that while deciding the prayer, if any, for interim maintenance, Court concerned is required to take into consideration the pleadings duly supported by affidavits. Material, if any, adduced on record by the respective parties to establish the income of each other can appropriately be considered by the Court concerned at the time of deciding the main petition, which in the present case is still pending adjudication.

6. Since the main petition is pending consideration, this Court, at this stage, with the consent of the parties, deems it fit to dispose of the present petitions with a direction to learned trial Court to decide the main petition expeditiously, preferably within a period of three months. Ordered accordingly. Till the time, main petition is not



decided, interim maintenance awarded by learned trial Court shall continue to be paid to the respondent. However, after disposal of the main petition, amount, if any, paid in excess towards interim maintenance to the respondent shall be adjusted accordingly. Needless to say, arrears, if any, if not already cleared, shall be cleared within a period of ten days.

7. Learned counsel representing the parties undertake to cause presence of their respective clients before learned trial Court on **25.05.2026**, on which date, the matter has been already fixed, enabling Court below to proceed further with the matter in accordance with law. Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

May 18, 2026
(shankar)