

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2685/2015

Bhawani Singh S/o Bishan Singh, R/o Village Baneti, Police Station Kothputli, District Jaipur, Presently residing at Plot No. 71, Shyam Nagar, Nadi Ka Phatak, Benad Road, Jhotwara, Jaipur

-----Petitioner

Versus

Smt Manju Solanki W/o Bhawani Singh, D/o Late Shri Prabhu Singh, Aged about 31 years, R/o Plot No. 8-A, Kataria Marg, Ramnagar, Sodala, Jaipur

-----Respondent

For Petitioner(s)	:	Mr. Ashok Choudhary and Mr. Siddharth Rajawat for Mr. Deepak Chauhan
For Respondent(s)	:	Mr. Shree Ram Dhakar-PP with Ms. Neha Goyal

JUSTICE ANOOP KUMAR DHAND

Order

30/04/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 18.06.2014 passed by the Court of Additional Civil Judge (Sr. Division) and Additional Chief Metropolitan Magistrate No.9, Jaipur Metropolitan by which an interim order has been passed directing the petitioner-husband to pay monthly maintenance of Rs. 7,000/- to the respondent-wife.

2. Aggrieved by the aforesaid order, an appeal was preferred by the petitioner before the Court of Additional District and Sessions Judge No. 15, Jaipur Metropolitan Jaipur, however, the same was rejected vide impugned order dated 20.03.2015.

3. Learned counsel for the petitioner submits that the amount of maintenance, as granted by the Trial Court is quite exorbitant. Looking to the petitioner's earning, the Trial Court should not have passed such order. Hence, interference of this Court is warranted.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. Perusal of the record indicates that a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 was submitted by the respondent-wife against the petitioner-husband along with a prayer for grant of interim maintenance till disposal of the complaint. The impugned interim order has been passed directing the petitioner-husband to pay interim maintenance of Rs. 7,000/- per month to the respondent-wife and this order was passed in the month of June, 2014. No interim order is operating in favour of the petitioner-husband and considering the fact that the complaint was filed more than 11 years ago, the complaint might have been decided by the Trial Court since passing of the impugned interim order. In case the complaint is still lying pending for adjudication on its merits, the Trial Court is directed to decide the complaint after taking on record the affidavit of both sides with regard to their income, assets etc. in the light of the order passed by the Hon'ble Apex Court in the case of **Rajnish Vs. Neha and Anr.** reported in (2021) 2 SCC 324.

6. It is expected from the Trial Court to pass appropriate orders strictly in accordance with law, after appreciating the documents and evidence produced by either side, without being influenced by

any of the observations made by the Appellate Court and by this Court.

7. With the aforesaid observations and directions, the instant criminal misc. petition stands disposed of. Stay application and all pending application (s), if any, also stand disposed of.

8. This order will not have any effect, in case, the complaint is already decided.

(ANOOP KUMAR DHAND),J

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