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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5495/2023**

DEVENDER CHANWARIYA Petitioner
Through: Ms. Shalini Sharma, Advocate.
versus

VARSHA CHAUHAN & ANR. Respondents
Through: Ms. Mishika Singh (DHCLSC),
Advocate.
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **17.11.2023**

CRL.M.A. 31429/2023 (for recall of notice dated 7th August, 2023)

1. By way of the present application, the respondent/wife seeks recall of the order dated 7th August, 2023 passed by the Predecessor Bench.
2. Issue notice.
3. Notice is accepted by the counsel for the petitioner.
4. The present petition is a composite petition filed by the petitioner/husband impugning the order dated 7th February, 2023 passed by the learned Additional Sessions Judge (DV Court) in an appeal arising under the Domestic Violence Act, 2005 (DV Act), whereby the petitioner has been directed to pay Rs.12,000/- as well as the orders dated 3rd March, 2023 passed by the Family Court in an application filed by the respondents under Section 125 of the CRPC, whereby the petitioner has been directed to pay interim maintenance at the rate of Rs.18,000/- per month along with arrears.
5. Challenge has also been made to the order dated 6th May, 2023 passed by the Family Court, whereby the salary of the petitioner has been attached



towards enhancement of the interim maintenance.

6. Counsel for the respondents submits that the present composite petition impugning orders passed in two separate proceedings is not maintainable.

7. In view of the aforesaid objection, counsel for the petitioner submits that the petitioner does not press his relief against the impugned order dated 7th February, 2023 passed in the DV proceedings and confines his relief to orders passed by the Family Court.

8. Counsel for the petitioner submits that interim maintenance at the rate of Rs.12,000/- per month as directed by the order of the DV Court is being regularly paid to the respondents. As regards the arrears, counsel for the petitioner admits that, calculated at the rate of Rs.12,000/- per month, the arrears for a period of 60 months would amount to be Rs.7,20,000/-, of which approximately Rs.5,50,000/- has been paid to the respondent.

9. Counsel for the respondents submits that only Rs.5,00,000/- has been paid by the petitioner till date.

10. In view of the above, both sides shall file their respective calculations in respect of the arrears due.

11. In the meanwhile, the admitted arrears of Rs.1,70,000/- shall be cleared by the petitioner in two equal instalments of Rs.85,000/- each. The first instalment shall be paid on or before 15th December, 2023 and the second instalment shall be paid on or before 15th January, 2024.

12. Reply, if any, be filed within four weeks.

13. List on 8th February, 2024, the date already fixed.

AMIT BANSAL, J

NOVEMBER 17, 2023/at