

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Revision No. 408/2018

Smt. Megha Khandelwal W/o Sh. Rajat Khandelwal, D/o Sh. Purshottam Das Gupta B/c Khandelwal, Aged About 30 Years, R/o B-16, New Colony, Behind Chandni Chowk, Kalwar Road, Ps Jhotwara, Jaipur.

----Petitioner

Versus

1. Sh. Rajat Khandelwal S/o Shri Deena Nath Khandelwal, Aged About 32 Years, R/o 103/77, Meera Marg, Mansarovar, Ps Shipra Path, Jaipur, Presently Employed Senior Manager, Tata Steel, Nao Mundi, West Singh Bhoomi, Jharkhand.
2. Smt. Chandralata Khandelwal W/o Sh. Deena Nath Khandelwal B/c Khandelwal, Aged About 57 Years, R/o 103/77, Meera Marg, Mansarovar, Ps Shipra Path, Jaipur.
3. Sh. Deena Nath Khandelwal S/o Late Sh. R.s. Khandelwal B/c Khandelwal, Aged About 64 Years, R/o 103/77, Meera Marg, Mansarovar, Ps Shipra Path, Jaipur.
4. Narendra Modi S/o Sh. Mahaveer Prasad Modi, Aged About 54 Years, R/o 21, Arya Nagar, Alwar, Raj., Present Address C-798, Buddha Vihar, Hasan Khaa Mewat Nagar (Vijay Nagar) Alwar 301001.

----Respondents

For Petitioner(s)	:	Mr. R.N. Dixit
For Respondent(s)	:	

HON'BLE MR. JUSTICE DEEPAK MAHESHWARI

Judgment / Order

12/04/2018

Heard learned counsel for the wife-petitioner.

Learned trial Court has granted interim maintenance allowance @ Rs.5000/- per month in favour of the wife-petitioner under Section 23 of the Protection of Women from Domestic Violence Act, 2005 vide order dated 17.12.2016. Petitioner preferred an appeal being aggrieved by this order. Learned appellate Court after hearing both the parties, enhanced the amount to the tune of Rs.9000/- per month vide order dated 15.1.2018, Rs.6500/- per month for petitioner and Rs.2500/- per month for her minor daughter namely Varennya.

Learned counsel for the petitioner contends that the income tax returns of the non-petitioner-husband for the assessment year 2015-16 and 2016-2017 have not been taken into consideration by the courts below.

On perusal of the order dated 15.1.2018 it has found that the income tax returns have been taken into consideration by lower appellate Court. After taking this fact into consideration that the wife-petitioner is also well educated and is having the degree of MSC (biotechnology) and preparing for PHED, the appeal has been decided in the manner aforesaid. Both the courts below have observed that without the evidence having being recorded by the parties, the conclusion about their income cannot be drawn. But looking to the necessity to meet out the day to day expenses by the wife-petitioner, the interim maintenance allowance has been granted.

I do not find any impropriety or illegality in the order impugned passed by the lower appellate court. There is no reason to interfere in the order passed by it, whereby the interim maintenance of Rs. 9000/- per month allowance has been granted.

In the result, there is no substance in the revision petition preferred by the wife-petitioner. Hence, the same is dismissed.

(DEEPAK MAHESHWARI),J

Anand 52

RAJASTHAN HIGH COURT



सत्यमेव जयते

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2019
(Arising out of SLP (CrI.) No. 6422 of 2018)**

MEGHA KHANDELWAL

Appellant (s)

VERSUS

RAJAT KHANDELWAL & ORS.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal takes exception to the order dated 12.04.2018 passed by the High Court of Judicature for Rajasthan at Jaipur in S.B. Criminal Revision No. 408 of 2018, whereby the application for grant of interim maintenance filed under Section 12 of The Protection of Women from Domestic Violence Act, 2005 has been disposed of by awarding Rs.9,000 (Nine Thousand) per month as interim maintenance to be paid to the petitioner.

After having considered rival submission and taking into account the relevant documents placed before us, we deem it appropriate to enhance the interim maintenance amount to Rs.25,000/- (Twenty Five Thousand) per month to be paid to the

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petitioner by the respondent with effect from 01.05.2019 until the final decision in the main proceedings, which is pending before the concerned Court. The amount shall be paid on regular basis on or before 10th of every English calendar month.

The Trial Court shall endeavor to decide all the cases pending between the parties being FIR No. 255 of 2016, Case No. 208 of 2016, Complaint Case No. 103 of 2016 and Divorce Petition originally filed in Case No. 30 of 2016, preferably within six months from today. The parties have undertaken before this Court to extend full co-operation to the trial Court for early disposal of the concerned case.

The Criminal Appeal is disposed of accordingly.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(AJAY RASTOGI)

New Delhi
May 10, 2019

ITEM NO.47

COURT NO.9

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 6422/2018

(Arising out of impugned final judgment and order dated 12-04-2018 in SBCRR No. 408/2018 passed by the High Court Of Judicature For Rajasthan At Jaipur)

MEGHA KHANDELWAL

Petitioner(s)

VERSUS

RAJAT KHANDELWAL & ORS.

Respondent(s)

(IA 107989/2018 – EXEMPTION FROM FILING O.T.)

Date : 10-05-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)

Mr. Ritesh Kumar Chowdhary, AOR
Mr. Varun Dev Mishra, Adv.
Mr. M. Chatterjee, Adv.

For Respondent(s)

Mr. Rohit Minocha, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Criminal Appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]