

# **Clarification**

- 1.** The Appellant filed the present appeal against the order passed by the Hon'ble Delhi High Court, thereby setting aside the judgment passed by the Additional District Court, Tees Hazari, Delhi declining to award the maintenance pendent lite to the respondent wife Under Section 24 of Hindu Marriage Act 1955 and has granted interim maintenance of Rs.60, 000/- per month to be paid by the appellant to the respondent. The said amount is fixed in addition to of Rs. 10,000/ which the appellant has already been paying by way of interim maintenance as per the order passed in Criminal Appeal under Section 23(2) of Protection of Women from Domestic Violence Act, 2005.
- 2.** The facts of this appeal by way of special leave are that both appellant and respondent got married on 16.02.2005. Thereafter, she was residing with appellant at Delhi. In or about July, 2007 on account of strained relations with the respondent in marital life, the appellant filed a divorce petition in September 2007 under the Hindu Marriage Act 1955 seeking divorce on the grounds of cruelty before Additional District Judge, Tees Hazari, Delhi.
- 3.** Thereafter, in November 2007 the respondent filed a petition under the Domestic Violence Act and prayed for interim maintenance under the same. Also, the respondent filed a complaint on 23.11.2007 under section 498-A and section 406 of I.P.C. 1860 against the appellant and his family member which was later on registered as FIR with the Delhi Police Station. In December, 2007, Respondent filed Criminal Miscellaneous Application Under Section 125 Code of Criminal Procedure before the Mahila Court, Patiala House, Delhi. Her interim application seeking maintenance amongst other reliefs Under Section 23(2) of Domestic Violence Act was dismissed by the Metropolitan Magistrate, Delhi on the ground that Respondent record by the Respondent to show that Respondent had again become jobless. Against the dismissed of application for interim maintenance under Domestic Violence Act., 2005 the respondent had filed Criminal Appeal before Additional Session Judge, Delhi. In the said appeal, Additional Session Judge, Delhi by an order dated granted maintenance of Rs.10,000/- to the Respondent.
- 4.** In the pretext of arrest the Appellant filed an application Under Section 438 Code of Criminal Procedure for grant of anticipatory bail. The Hon'ble High Court granted anticipatory bail to the Appellant subject to conditions.
- 5.** The Respondent filed application Under Section 24 of the Hindu Marriage Act claiming interim maintenance pendent lite of Rs.4,00,000/- per month and also a sum of Rs.80,000/- to meet litigation expenses during the pendency of the divorce petition. In the said application, the contention of the Respondent that she has no source of income and totally depending on the appellant to maintain herself and therefore respondent claimed interim maintenance. This application came to be

resisted by the appellant and submitted that the respondent is an educated lady and that she had completed her one year course of Fashion. Therefore, she is able to maintain herself. The application filed Under Section 24 of Hindu Marriage Act, was dismissed by Additional District Court, Tees Hazari, Delhi. Being aggrieved, the Respondent filed Civil Miscellaneous Application before the High Court, Delhi. The Hon'ble High Court in its order directed both the parties to file and affidavit truthfully disclosing their correct income. Both the appellant and respondent submitted an affidavit as to their income in compliance of the aforesaid order. The Hon'ble High Court by the impugned order directed the Appellant to pay interim maintenance of Rs.60,000/- per month in addition to Rs. 10,000/- which was directed to be paid to the Respondent in the proceeding under the D.V. Act,2005.

- 6.** Being aggrieved by the order of Hon'ble High Court Delhi, the Appellant came in before this Hon'ble Supreme Court by way of Special Leave.

Argue the case on both sides before Hon'ble Supreme Court

Note : Indian Laws will be applicable for the petition.