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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010134712026

+ CM(M) 708/2026

HANISH KUMAR

.....Petitioner

Through: Mr. Abhishek Choudhary, Adv.

versus

KIRAN

.....Respondent

Through: Mr. Amit Nayyar, Mr. Sunil Kumar & Ms. Tarita, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

% **24.08.2026**

1. The present Petition has been filed under Article 227 of the Constitution of India, 1950, assailing the Order dated 31.01.2026 [**"Impugned Order"**], whereby the learned Principal Judge, Family Court, West District, Tis Hazari Courts, Delhi, in HMA No. 906/2019 titled "*Hanish Kumar v. Kiran*", has adjourned the proceedings *sine die*, with a direction that the matter be revived as and when the Petitioner herein clears the arrears payable by him in proceedings being MT No. 229/2019, filed under Section 125 of the Code of Criminal Procedure, 1973, which are pending before another Court, i.e., the learned Judge, Family Court, Central District, Tis Hazari Courts, Delhi.

2. This Court is unable to sustain the basis on which the proceedings have been adjourned *sine die*. The arrears, if any, payable by the Petitioner in proceedings being MT No. 229/2019, which are



pending before another Court being the learned Judge, Family Court, Central District, Tis Hazari Courts, Delhi, cannot constitute a valid ground for adjourning the proceedings *sine die* pending before the learned Principal Judge, Family Court, West District, Tis Hazari Courts, Delhi. The alleged non-compliance of an order in a matter pending before a different Court cannot be sought to be made the basis of the directions passed herein. Respondent, for non-compliance of orders passed in the Section 125 proceedings will have to take such necessary steps as are available in law and the learned Family Court cannot treat the non-compliance of the said orders as if it is the Executing Court and keep the HMA proceedings pending on that ground.

3. This Court also takes note that the matter has been pending since 2019, and the order impugned herein is likely to delay proceedings further.

4. In view of the above, this Court is of the considered view that the Impugned Order cannot be sustained and is liable to be set aside.

5. The Impugned Order is set aside and the learned Principal Judge, Family Court is directed to proceed with the matter and endeavour to dispose of the same as expeditiously as possible, in accordance with law.

6. Accordingly, the present Petition, along with all pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 24, 2026/v/ma