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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5202/2026 & CRL.M.A. 21840/2026
SAJID KHAN & ORS. Petitioners
Through: Mr. Amit Alok, Advocate.
versus
STATE NCT OF DELHI & ANR. Respondents
Through: Mr. Yudhvir Singh Chauhan, APP.
Ms. Shreya Smriti, Mr. Kainth, Mr.
Narnder Bhandari, Advocates for
R-2. SI Ankit Sharma.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **28.07.2026**
CRL.M.A. 21839/2026(for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 5202/2026 & CRL.M.A. 21840/2026(for stay)

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners assail the order dated 11.05.2026 passed by the learned Mahila Court in execution proceedings initiated at the instance of respondent No. 2. By the impugned order, the learned Mahila Court directed the petitioners, being the legal heirs of the deceased husband of respondent No. 2, to pay a sum of Rs. 40,000/- towards meeting the immediate maintenance and educational expenses of respondent No. 2 and her minor daughter.
2. I have heard Mr. Amit Alok, learned counsel for the petitioners, and Ms. Shreya Smriti, learned counsel for the respondent No. 2.
3. Respondent No. 2 was the wife of one Saddam, and they had a child, who is presently 10 years of age. Respondent No. 2 filed



proceedings under the Protection of Women from Domestic Violence Act, 2005, before the learned Mahila Court, against her husband, her parents-in-law, namely, Mordeen and Hafizan, and one brother-in-law, Zahir Khan [petitioner No. 3 herein]. By an order dated 17.11.2017, an *ad-interim* maintenance of Rs. 8,000/- per month was granted in favour of respondent No. 2 and her minor child.

4. Thereafter, respondent No. 2 filed execution proceedings as the *ad-interim* maintenance remained in substantial arrears.

5. However, the husband of respondent No. 2 died on 24.06.2019 and her father-in-law died on 15.04.2024 [hereinafter “deceased judgement debtors”]. Their legal heirs, including the petitioners herein, who are all brothers-in-law of respondent No. 2, have been substituted in place of the deceased judgment debtors by an order of the learned Mahila Court.

6. The learned Mahila Court, by the impugned order dated 11.05.2026, *inter alia*, directed as follows:

*“(8) The record and submissions further show that **the minor daughter of the DH is unable to go to school due to non-payment of fees.** It also appears from the previous proceeding that despite a direction to ensure that the child be admitted / continued in the same school, none appeared on the last date of hearing and no compliance was made. This conduct prima facie reflects continued disregard of the subsisting order and of educational welfare of the minor child.*

(9) Section 20 of the DV Act empowers the Magistrate to direct payment of monetary relief to meet the expenses incurred and losses suffered by the DH and her child and such relief includes maintenance as well as fair and reasonable financial support. Educational expenses of the minor child, including school fees, books, uniform and transport, are capable of being secured as part of such monetary relief and the statute also contemplates adjustment of amounts paid towards such relief.

*(10) In these circumstances, this Court is satisfied that **the present execution petition is maintainable and is liable to proceed against JD No. 3 and against that the legal representatives of deceased JD No. 1***



and the deceased and deceased no. 2, to the extent of the estate inherited by them directions are also necessary to secure the educational and maintenance needs of the minor child and the DH pending final working out of arrears.

(11) Accordingly, the DH is directed to file within 30 days from today a detailed month-wise statement of arrears in terms of the mediation settlement dated 09.02.2017 and the ad-interim maintenance order dated 17.11.2017, after giving due credit to any payment actually received, with advance copy to JD No.3 and the legal representatives. The DH shall also file, if available, any school fee slip, fee demand, receipt or other material regarding the educational expenses of the minor child.

(12) **JD No. 3 and the legal representatives of deceased JD No. 1 and deceased JD No.2 shall file within 30 days from today affidavits disclosing the estate inherited by them from the deceased JDs,** including particulars of movable and immovable properties, bank accounts, rental income and any other income derived from such estate and shall also disclose the person presently in possession of such assets and income.

(13) In the meantime, having regard to the subsisting ad-interim maintenance order dated 17.11.2017 for Rs. 8,000/- per month, the fact that the minor daughter of the DH is unable to attend school due to non-payment of fees and the continued non-compliance despite prior direction of this Court regarding the child's schooling, JD No.3 and the legal representatives representing the estate of deceased JD No.1 and deceased JD No.2 are directed to ensure that the minor daughter of the DH is re-admitted / continued in the same school where she was earlier studying, within 15 days from today, by depositing the requisite school fees and other necessary charges.

(14) **JD No.3 and the legal representatives representing the estate of deceased JD No.1 and deceased JD No.2 are further directed to pay an interim amount of Rs. 40,000/- within 15 days from today to DH before** this court towards the immediate maintenance and educational needs of the DH and the minor child, subject to final adjustment upon determination of total arrears.

(15) It is clarified that if any amount is actually paid or spent by JD No.3 or the legal representatives pursuant to this order towards re-admission, school fees, books, uniform, transport or other genuine educational expenses of the minor child, and proof thereof is placed on record, the same shall be duly adjusted and set off against the arrears of monetary relief ultimately found payable in these execution proceedings. The JDs / legal representatives shall placed on record on the next date of hearing proof of re-admission / continuation of the



child in the school, receipts of school fees and other educational payments, proof of deposit of the interim amount and affidavits as directed therein.

(16) In case of failure to comply with the aforesaid directions within the time granted, this Court shall proceed further for coercive enforcement in accordance with law, including attachment of identified estate/assets/income in the hands of JD No.3 and the legal representatives of deceased JD No.1 and deceased JD No.2 and such other permissible modes as may be necessary for securing compliance of the subsisting monetary relief.”

[Emphasis supplied.]

7. Pursuant to the aforesaid impugned order, summons have been issued to petitioner No. 1 on 08.06.2026 in the execution proceedings.
8. The principal submission urged by Mr. Alok is that the petitioners, as legal heirs of the deceased judgement debtors, cannot be made liable for the arrears of maintenance granted to respondent No. 2, except to the extent of the estate inherited by them.
9. I find that this aspect has been expressly taken care of in the impugned order reproduced above, specifically in paragraph 10. In fact, the petitioners have been directed to file affidavits disclosing the estate inherited by them from the deceased judgment debtors. I am informed that they have not yet complied with this direction.
10. Mr. Alok also submits that, by virtue of paragraph 14 of the impugned order, petitioners have been directed to pay an interim amount of Rs. 40,000/-, without adjudication of the extent of their inheritance. In this regard, Mr. Alok states, upon instructions from petitioner No. 1, who is present in Court, that in view of the fact that the aforesaid amount was directed to ensure the continued education of the minor child of their late brother, the petitioners will make a one-time payment, without prejudice to their rights and contentions in the execution proceedings.



11. Having heard learned counsel for the parties, and with their consent, the petition, alongwith pending applications, is therefore, disposed of with the following directions:

- a) The affidavits to be filed in terms of paragraph 12 of the impugned order will be filed by 31.07.2026.
- b) The amount of Rs.40,000/- payable in terms of paragraph 14 of the impugned order, will be paid by the petitioners to respondent No. 2, within two weeks from today, without prejudice to their rights and contentions in the pending execution proceedings.
- c) As far as the liability of the petitioners in their capacity as legal heirs of the deceased judgment debtors is concerned, they will place their submissions before the learned Mahila Court. The learned Mahila Court is requested to consider those submissions and pass necessary directions, in accordance with law.
- d) The petitioners, insofar as their liability arises as legal heirs of the deceased judgment debtors, will not be subjected to any coercive actions in the execution proceedings, until the aforesaid decision is taken. It is made clear that this direction will not apply to any judgment debtors who are liable in their individual capacity, and not just as legal heirs of the deceased judgement debtors.

12. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

JULY 28, 2026/SS/MK/