



\$~25

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

CNR No. DLHC010339382026

+ **CRL.REV.P.(MAT.) 417/2026, CRL.M.A. 22618-22619/2026**

ARTI & ANR.

.....Petitioners

Through: **Mr. Ravinder Kumar, Adv.**

versus

YOGENDER SINGH

.....Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

01.09.2026

%

1. By virtue of the present petition under *Section 438* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners seek setting aside of the order dated 12.02.2026 (***impugned order***) passed by learned Judge, Family Court-02, Shahdara District, Karkardooma Courts, Delhi (***Family Court***) in Mt. Case No.642/2019 whereby the maintenance petition filed by the petitioner no.1 was dismissed due to non-payment of the costs imposed upon her by the learned Family Court.

2. Learned counsel for the petitioners primarily submits that since the proceedings were arising out of matrimonial discord between the petitioner no.1 and the respondent, as also since the petitioner no.1 is a lady who is residing alone with her minor son (petitioner no.2) the learned Family Court wrongly dismissed her maintenance petition. Handing over a copy of order dated 31.05.2025 passed by the learned Family Court, which



is taken on record, he submits that the petitioners were duly represented on the said date, however, the proceedings did not take place. He lastly submits that out of the total costs of Rs.11,000/- as mentioned in the impugned order, the petitioner no.1 has already deposited costs of Rs.4,000/- and is willing to deposit the remaining costs as well.

3. This Court has perused the materials on record as also heard learned counsel for the petitioners.

4. Considering the proceedings herein are from those before the learned Family Court, and are arising out of matrimonial issues of a sensitive nature wherein a minor child is also involved, adopting a humanitarian approach, which will be beneficial to the parties as also the minor child, this Court is of the considered opinion that it would be in the interest of justice, if the present petition is allowed and the impugned order is set aside.

5. Moreover, in view thereof there is also no reason for issuance of notice to the respondent.

6. As such, the proceedings before the learned Family Court being Mt. Case No.642/2019 filed by the petitioner no.1 against the respondent, is restored to its original position, *albeit*, subject to payment of the remainder cost of Rs.7,000/- as well as a further cost of Rs.10,000/- by the petitioner no.1 to the respondent within a period of *two weeks*.

7. Accordingly, the present petition is disposed of.

8. A copy of this order be sent to the Principal District and Sessions Judge, Karkardooma Courts, Shahdara District, Delhi for necessary information and compliance.

9. However, considering the time lapse in the proceedings before the



learned Family Court, and as it would be interest of the parties involved, it is made clear that the parties shall not be allowed any unnecessary adjournments till the pendency of the maintenance petition before the learned Family Court.

SAURABH BANERJEE, J

SEPTEMBER 1, 2026/Ab