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

Date of Decision: 29th June, 2015

+ CRL.M.C. No. 2538/2015 & Crl. M.A.Nos.9045-46/2015

SUDHIR KUMAR Petitioner

Through: Mr. A.K. Tyagi, Advocate

versus

THE STATE (GOVT OF NCT) DELHI & ORS.Respondents

Through: Mr. Amit Ahlawat, Additional
Public Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Petitioner's revision petition against trial court's order directing petitioner to pay maintenance of ₹3,000/- per month to respondent No.2-*wife* and ₹4,000/- to respondent No.3-*child* stands dismissed vide impugned order of 10th September, 2014, as petitioner had refused to deposit the aforesaid interim maintenance amount.

The challenge to the impugned order is on the ground that the statutory remedy of revision petition cannot be denied to petitioner without hearing on merits and reliance upon decisions in *Rajeev Preenja Vs. Sarika & ors.* 2009 V AD (Delhi) 497 and *Kukku Ram Vs. Ram Beti* 184 (2011) DLT 168 by Revisional Court is misplaced.

During the course of hearing, learned counsel for petitioner had

sought to assail the trial court's order of 28th January, 2014 on merits but this Court is of the considered opinion that without getting the aforesaid trial court's order decided in revision petition, petitioner cannot be permitted to invoke extra ordinary inherent jurisdiction under Section 482 of the Cr.P.C.

Upon hearing and on perusal of the impugned order and decisions in *Rajeev Preenja & Kukku Ram (Supra)*, I find that ratio of the afore-noted decisions squarely applies to the instant case. No decision to the contrary has been cited by learned counsel for petitioner. Finding no palpable error in the impugned order, this petition is dismissed. Pending applications are dismissed as infructuous.

(SUNIL GAUR)
JUDGE

JUNE 29, 2015

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