

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Order delivered on: 14th January, 2015

+ Crl. M.C. No.5722/2014

AKSHOD KUMAR SHARMA Petitioner
Through Mr.F.K.Jha, Adv.

versus

MASTER SHREE SHARMA Respondent
Through Mr.Tanmay Mehta, Adv. with
Mr.Asit Tiwari & Mr.Shivam Singh,
Adv. along with Ms.Tanu
Sharma, mother of the respondent
in person.

+ Crl. M.C. No.131/2015

MASTER SHREE SHARMA Petitioner
Through Mr.Tanmay Mehta, Adv. with
Mr.Asit Tiwari & Mr.Shivam Singh,
Adv. along with Ms.Tanu
Sharma, mother of the petitioner
in person.

versus

AKSHOD KUMAR SHARMA Respondent
Through Mr.F.K.Jha, Adv.

CORAM:
HON'BLE MR.JUSTICE MANMOHAN SINGH

MANMOHAN SINGH, J.

1. By this order, I shall dispose of the abovementioned two petitions, i.e. Crl. M.C. No.5722/2014 filed by Akshod Kumar Sharma

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under Section 482 Cr.P.C. for setting-aside the order dated 14th November, 2014 passed by APJ, Family Court, Rohini, Delhi and for grant of three opportunities to cross-examine the respondent, and another Crl. M.C. No.131/2015 filed by Master Shree Sharma (minor) under Section 482 Cr.P.C. for setting-aside the order dated 18th December, 2014 passed by the same Court, in a petition being M.T. No.282/10 under Section 125 Cr.P.C.

2. The facts of the matter are that the mother of Master Shree Sharma (petitioner in Crl. M.C. No.131/2015), namely, Ms.Tanu Sharma got married to the respondent Akshod Kumar Sharma in the year 1992. Two children, namely, Ms.Runu Sharma (now major) and Master Shree Sharma (minor aged about 13 years) were born out of this wedlock. Due to dispute between the mother and the father, the mother along with her two children including the petitioner is living separately and she is looking after their needs and well-being. She has filed the maintenance petition under Section 125 Cr.P.C. on behalf of her minor son Master Shree Sharma, i.e. petitioner herein in 2008 who was diagnosed with rare disease i.e. precocious puberty in the year 2005. By order dated 4th August, 2012, the learned Trial Court fixed the interim maintenance at Rs.8,000/- per month. Against the said order, the father's Criminal Revision Petition bearing No.539/2012 is pending before this Court for adjudication.

3. There were certain defaults on the part of the father. The executions are also pending. The mother of the petitioner has filed her evidence as PW-1 on 18th September, 2013 and filed the list of witnesses on 26th September, 2013. At the request of the respondent/

father, various adjournments were granted when the matter was listed for cross-examination of PW-1. The matter was adjourned from time to time. Lastly, when the matter was listed on 14th November, 2014, the opportunity of the respondent to cross-examine PW-1 was closed. The matter thereafter was put up for the remaining evidence of the petitioner on 18th December, 2014. Since the mother of the petitioner discovered some additional facts who prepared the application for filing additional documents on record which was filed on 18th December, 2014. However, the learned Trial Court closed the petitioner's remaining evidence on the ground that no witnesses had been summoned by the petitioner for the said date and the matter was put up for respondent's evidence on 19th February, 2015.

4. In the order dated 18th December, 2014, the learned Trial Court was aware that the respondent had already filed one petition against the order dated 14th November, 2014 before this Court for closing the right of cross-examination of PW-1. The petitioner alleged that despite of that, the remaining evidence of the petitioner was closed by order dated 18th December, 2014.

5. After having heard the learned counsel for the parties for some time, with their consent, the following directions are passed:-

- (a) The respondent Akshod Kumar Sharma would cross-examine PW-1 before the learned Trial Court when the actual date is fixed.
- (b) The petitioner shall complete the evidence of all the witnesses within a period of 6-9 months and none of the parties would take any unnecessary adjournments.

(c) The respondent shall regularly pay the maintenance to the petitioner as per the order dated 4th August, 2012 unless the said order is set-aside by this Court in the revision petition filed by the respondent.

6. In view of the above, the order dated 18th December, 2014 is set-aside.

7. Both the petitions are accordingly disposed of.


(MANMOHAN SINGH)
JUDGE

JANUARY 14, 2015