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

+ CRL.REV.P. 178/2016 and
Crl.M.A.No.3677/2016 (Condonation of Delay)

PRADEEP MANDAL Petitioner

Through: Mr.Satyam Thareja, Adv.

versus

STATE (GOVT) OF NCT OF DELHI & ANR Respondent

Through: Ms.Meenakshi Chauhan, APP.
Mr.Jugal Bagga and Ms.Renu Arora,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **23.05.2016**

The present petition has been filed under Section 397 read with Section 401 Cr.P.C. read with Section 19 (4) of Family Courts Act read with Section 482 Cr.P.C. against order dated 16.01.2015 passed by the learned Principal Judge, Family Courts. Vide the said order, the respondent No.2 has been granted interim maintenance @ Rs.5,000/- per month from the date of filing of the application till the final disposal of the case on merits or till the respondent No.2 is legally entitled to receive the same. The petitioner was directed to clear the arrears of maintenance within three months from the date of

the order in equal instalments and to furnish the monthly maintenance after the date of orders by way of money order or by deposit in the bank account of the respondent No.2 on furnishing the account number of the same, by or before 10th date of each English calendar month.

The present petition has been filed along with an application (Crl.M.A.No.3677/2016) seeking condonation of delay of 314 days in filing the instant petition.

The explanation for the delay given in the application is that the petitioner is 8th pass individual and does not understand the nitty-gritty of the law. The petitioner was not informed about the mandate of the order dated 16.01.2015. The petitioner on receipt of summons issued by the Executing Court filed by respondent No.2 on 12.10.2015, approached Mr.Sandeep Bagh who works as a clerk for the lawyer and is a friend of the petitioner. Mr.Sandeep Bagh introduced the petitioner to the counsel Sh.Satyam Thareja, Advocate on 18.02.2016 and thereafter the counsel inspected the record on 22.02.2016.

I have heard the learned counsel for the petitioner as well as the

learned counsel for the respondent No.2.

The learned counsel for the respondent No.2 while referring to the judgments of the Hon'ble Apex Court in **Civil Appeal No.1166/2006** titled **Balwant Singh v. Jagdish Singh & Ors.** and a judgment of this Court in **RFA No.488/2008** titled **North Delhi Power Limited v. Aar Ess Industries decided on 09.11.2010**, has submitted that the explanation given should be cogent and also to the satisfaction of the Court.

I have gone through the application.

There is no cogent explanation forthcoming on the part of the petitioner not to have availed of the revisional remedy within a period of 90 days of passing of the order dated 16.01.2015 by the learned Principal Judge, Family Court.

Undisputedly, the execution petition was filed by the respondent No.2 on the petitioner not complying with the order dated 16.01.2015 and not making the payment.

It is not in dispute that the proceedings are continuing before the Court below for determination of the final maintenance.

I do not find any ground for condoning the delay of 314 days in

filing the instant petition.

Dismissed.

Consequently, the present revision petition also stands dismissed.

P.S.TEJI, J

MAY 23, 2016/dm