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

+ **CRL.M.C. 1920/2016**

RAVI SHANKAR KUMAR

..... Petitioner

Represented by: **Mr. Rajneesh Roshan,**
Advocate.

versus

STATE OF NCT DELHI & ANR

..... Respondents

Represented by: **Mr. Kewal Singh Ahuja, APP**
for the State.
Mr. Sandeep Gupta, Advocate
for respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.08.2016

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1. Aggrieved by the order dated 22nd December, 2015 whereby the application for cancellation of the order dated 28th November, 2015 and staying the execution of attachment warrants issued to the employer of the petitioner/judgment debtor was dismissed, the petitioner prefers the present petition.

2. The petitioner was married to Jyotika Priyadarshini @ Neha respondent No.2. Due to difference between the parties, the petitioner filed a petition under Section 13 of the Hindu Marriage Act against his wife Jyotika Priyadarshini for divorce wherein respondent No.2 was proceeded ex-parte. Allowing the petition, the marriage dated 13th February, 2011 between the two of them was dissolved. In the meantime, respondent No.2

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filed a petition for maintenance under Section 125 Cr.P.C. before the Principal Judge, Family Court, East District, Delhi where the petitioner avoided to receive summons although he was aware of the proceedings and was proceeded ex-parte on 5th July, 2013. The maintenance of respondent No.2 was fixed at ₹7,300/- per month from the date of filing of the petition along with ₹5,500/- as litigation expenses. The arrears were to be cleared in six equal monthly instalments to be paid directly in the bank account of the respondent No.2 by 10th day of each month.

3. In an execution petition filed by the respondent No.2 objections were filed by the petitioner however, no stay was granted in his favour. The learned Trial Court noted that the petitioner failed to appear despite directions and prima facie no case for stay was made out.

4. Even before this Court the only ground urged is that the ex-parte judgment was passed without any service of summons to the petitioner. Nothing has been shown to demonstrate how the summons were not served on the petitioner.

5. Finding no merit in the present petition, the same is dismissed.

MUKTA GUPTA, J.

AUGUST 22, 2016

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