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

+ CRL.REV.P. 522/2016 & Crl.M.A. No.12304-12308/2016

INDER RAJ CHOUDHARY Petitioner
Through Ms.Monica Kapoor, Adv.

versus

RAJESH KUMARI Respondent
Through Nemo.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **10.08.2016**

**CRL.REV.P. 522/2016 & Crl.M.A. Nos.12304/2016 (for
condonation of delay in filing) & Crl.M.A. No.12308/2016 (for
condonation of delay in re-filing)**

The present revision petition has been filed by the petitioner under Sections 397/401 of the Cr.P.C. seeking setting aside of interim order dated 2nd November, 2015 passed by the learned Principal Judge, Family Court, Rohini in Maintenance Petition No.155/2014.

The main grouse of the petitioner in the present petition is that the Family Court, Rohini, has passed the order dated 2nd November, 2015 vide which the learned Family Judge had directed to pay interim maintenance in the sum of Rs.10,000/- per month to the respondent

till the disposal of the maintenance application w.e.f. 15th November, 2015.

The admitted position is that no amount has been paid in pursuance of the order. Admittedly, the petition for maintenance was filed in the month of May, 2014 and there are multiple litigations filed by the petitioner. The impugned order was passed on 2nd November, 2015 and the present petition was filed on 4th August, 2016 with the application for condonation of delay of 89 days and thereafter, an application for delay of 66 days in refiling the revision petition was filed.

I do not find any justification for issuance of the notice particularly when it is the wilful act of the petitioner to avoid the maintenance. It is apparent from the record that the petitioner is not permitting the Court to proceed with the application for the interim maintenance relief and not making any payment towards maintenance. The conduct of the petitioner itself makes him disentitled for the condonation of delay which is discretionary relief by this Court.

In the facts and circumstances, I do not find any ground for

condonation of delay in filing and re-filing the present petition.

The present petition is just a hindrance in the payment of maintenance. In such circumstances, the present petition is dismissed. However, as requested by learned counsel for the petitioner, let the petition for payment of interim maintenance be decided by the Court below positively within a period of two months from the date of the order.

A copy of this order be sent to the Court below.

P.S.TEJI, J

AUGUST 10, 2016/aa