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

+ CRL.M.C. 1999/2016 & Crl.M.A. No.8465-8466/2016

NIMIIT SETHI Petitioner
Through Mr.Sanjeev Sahay, Adv.

versus

ANSHITA ARORA Respondent
Through Nemo.

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

ORDER
% **23.05.2016**

Crl.M.A. No.8466/2016

Exemption allowed subject to just exceptions.

Crl.M.C. No.1999/2016 & Crl.M.A. No.8465/2016

The present petition has been filed by the petitioner against the order dated 30th March, 2016 passed by the learned Additional Sessions Judge, dismissing the appeal on the ground of non-compliance of the order dated 23rd January, 2016 passed by the learned Metropolitan Magistrate, as the appellant had not fulfilled the conditions subject to compliance of which, the appeal was admitted for hearing and compliance of which was a condition precedent for further proceedings in that matter.

I have gone through the records and submissions made by learned counsel for the petitioner. Perusal of the order sheets shows

that at the time of admission, the condition of deposition of 50% arrears of amounts was not complied with and ultimately, the appeal was dismissed.

Perusal of the order dated 23rd January, 2016 passed by the learned Metropolitan Magistrate and the order dated 30th March, 2016 passed by the learned Additional Sessions Judge, shows that the payment of compensation was not stayed by the Trial Court. Undisputedly, it is the prerogative of the Trial Court to stay the payment awarded by the learned Metropolitan Magistrate but for the final hearing of the petition, the non-compliance of the payment of 50% of the arrears could not be made the basis for the dismissal of the appeal.

Consequently, the order dated 30th March, 2016 is set aside and the case is remanded back to the learned Additional Sessions Judge to issue notice to the respondent and decide the appeal by 30th July, 2016.

The present petition and application are disposed of in the above terms.

P.S.TEJI, J

MAY 23, 2016/aa