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

+ CRL.REV.P. 843/2015

GURDEEP SINGH

..... Petitioner

Through: Mr.Harpreet Singh, Adv.

versus

ASHU & ORS

..... Respondent

Through: Mr.D.S.Bedi, Adv.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **29.03.2016**

The present revision petition has been filed against the order dated 02.11.2015 passed by the Ld. Principal Judge, Family Court, Rohini whereby the Trial Court has awarded a sum of Rs.20,000/- towards monthly maintenance payable by the appellant to the respondents.

Earlier the petitioner was directed to pay the respondents Rs.18,000/- per month as interim maintenance. The petitioner had also approached the Court below under Section 127 Cr.P.C. for modification/alteration in the quantum of interim maintenance.

Vide order dated 22.12.2015, the notice was issued to respondent No.1.

During the course of arguments it emerged that the sole grievance of the petitioner is that the final order dated 02.11.2015 was passed without adopting due process of law which ought to have been done by the Court below.

It was submitted by both the parties that the order dated 02.11.2015 may be set aside and the Court below may be directed to decide the objections raised by the petitioner to effect the adoption of the due process of law by the Court below.

On the submissions of both the parties, this Court is of the considered opinion that the ends of justice would be secured if the order dated 02.11.2015 is set aside and the matter is remanded back to the stage when the order of interim maintenance of Rs.18,000/- per month was already in existence and the same situation should continue till the application under Section 127 Cr.P.C. is decided by the Court below.

The learned counsel for the petitioner will be at liberty to move an application requesting the Court below to adopt due process of law

as prayed before this Court and the Court below shall dispose of the same within a period of one month by giving opportunity to both the sides. However, it is made clear that so far as the application under Section 127 Cr.P.C. is concerned, it has been submitted that no order has been passed on the same. Surely, the petitioner will have a right to agitate the same while pursuing the application under Section 127 Cr.P.C.

With these observations, the present petition stands disposed of with a direction to the Court below to expedite the proceedings pending before it.

The parties are directed to appear before the Court below on 18.04.2016 along with a copy of the order passed by this Court.

P.S.TEJI, J

MARCH 29, 2016/dm