

\$~64

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

+ CRL.REV.P. 39/2016

NAVED AHMAD KHAN

..... Petitioner

Through: Mr. Munawwar Naseem, Advocate

versus

SHAGUFTA NASREEN & ANR

..... Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

15.01.2016

CRL.REV.P. 39/2016, Crl. M.A. 748/2016, 747/2016 & 749/2016

1. The petitioner (respondent before learned Family Court) is aggrieved by the order dated 23.11.2015 whereby the learned Family Court awarded interim maintenance at the rate of Rs.8,000/- per month without giving any opportunity to the petitioner.
2. Learned counsel for petitioner has referred to the proceedings dated 23.11.2015 wherein learned Trial Court has noted that there was death in the family of counsel of the present petitioner. He further submits that proxy counsel was sent to inform the learned Family Court that the counsel was busy in attending funeral. But the maintenance has been awarded without giving any opportunity to the petitioner to make submissions.
3. On being questioned whether these facts were brought to the notice of learned Family Court by learned counsel for petitioner before filing the

present petition, he submits that petitioner has filed this revision petition thereafter.

4. Learned counsel for petitioner seeks permission to withdraw this petition with liberty to approach family Court for giving an opportunity of being heard on the issue of grant of interim maintenance, highlighting the compelling circumstances under which learned counsel for the present petitioner could not appear on the day when impugned order was passed.

5. The criminal revision petition is dismissed as withdrawn, granting liberty as prayed.

PRATIBHA RANI, J.

JANUARY 15, 2016

'aky'