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

+ CRL.REV.P. 245/2015 & CrI. M.As 6353-6354/2015

SONIA GUPTA Petitioner

Through: Mr.Shailendra Babbar, Adv.

versus

AJAY GUPTA Respondent

Through: Mr.Sumit Bansal, Adv. with Mr.Amol
Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **15.03.2017**

The instant petition has been filed under Section 397/401 Cr.P.C. by the petitioner for setting aside and quashing of the order dated 02.03.2015 passed by Ld. Additional Principal Judge, Family Courts, Tis Hazari, Delhi.

Learned counsels for the parties have agreed that no affidavit of income has been filed by either of the parties in terms of judgments namely *Punjeet Kaur vs. Inderjit Singh Sawhney* reported as III (2011) DMC 487 and *Kusum Sharma vs. Mahinder Kumar Sharma* reported as MANU/DE/0155/2015.

Both the parties are directed to file such affidavit before the concerned Trial Court within a week from today. After filing of such affidavit the Trial Court is directed to pass fresh appropriate interim maintenance order, while considering the following judgments:-

(a) *Sunita Kachwaha & Ors. Vs. Anil Kachwaha* reported as AIR

2015 Supreme Court 554.

(b) Smt. Tejaswani vs. Aravinda Tejas, Chandra reported as 2010 Crl. L.J. 616.

(c) Chanchal Mehta vs. Supriya Mehta, decided on 29.01.2016 by Punjab-Haryana High Court.

(d) Puneet Kaur vs. Inderjit Singh Sawhney reported as III (2011) DMC 487

or any other judgment(s) relied upon by either of the parties.

Parties are directed to appear before the concerned Trial Court on 23rd March, 2017. The impugned order dated 2nd March, 2015 is set aside and the Trial Court is directed to pass a fresh order pertaining to maintenance within four weeks from the date of filing of the affidavit of income by the parties in the application dated 18.04.2012.

The present petition and the accompanying applications are disposed of accordingly.

Copy of this order be given dasti to the parties, as prayed.

I.S.MEHTA, J

MARCH 15, 2017/km