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

DECIDED ON : JANUARY 19, 2017

+ **CRL.M.C. 3243/2016 & Crl.M.A.13854/2016**

SHAN-E-ALAM

..... Petitioner

Through : Mr.Vinod Sharma, Advocate.

versus

NAZIA PRAVEEN

..... Respondent

Through : Mr.Manoj Kumar Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. has been filed by the petitioner to challenge the legality and correctness of an order dated 06.06.2016 passed by learned Principal Judge, Family Court, Shahadra by which he was directed to deposit ₹50,000/- within one month and further amount of ₹50,000/- within one month thereafter without prejudice.

2. I have heard the learned counsel for the parties and have examined the file. Apparently, the impugned order has been passed in execution proceedings for recovery of arrears of maintenance. The petitioner is under legal obligation to pay arrears of maintenance in compliance of the orders passed by the courts below. Merely because the application under Section 126(2) Cr.P.C. is pending, he cannot deny the payment of arrears of

maintenance to the respondent. The impugned order has been passed directing the petitioner to deposit ₹50,000/- within one month and further amount of ₹50,000/- within one month thereafter. It is without prejudice to the rights and contentions of the petitioner. Moreover, this amount is to be paid subject to the outcome of the pending application under Section 126(2) Cr.P.C.

3. I find no illegality or irregularity in the impugned order. The petition lacks in merits and is dismissed.

4. All pending application(s) stand disposed of.

(S.P.GARG)
JUDGE

JANUARY 19, 2017

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