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

+ CRL.REV.P. 624/2016

KUMARI SANYA MEHNDIRATTA Petitioner

Through: Mr.R.K.Tarun, Adv.

versus

AMIT MEHNDIRATTA Respondent

Through: Mr.Rohilash, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.07.2017

Kumari Sanya Mehnidratta was being awarded maintenance to the tune of Rs.5000/- by her father, pursuant to a proceeding before the Family Court under Section 125 of the Code of Criminal Procedure.

Because of the strained matrimonial relationship between the parents of the petitioner, the parents, later, chose to remarry. Today the father of the petitioner has remarried and the mother also stands remarried to another person.

The petitioner had approached the Court below through her mother for enhancement of the maintenance amount of Rs.5000/- to Rs.8000/-. The Family Court, on the statement made by the mother of the petitioner that she will take up the responsibility of the child, refused to enhance the maintenance.

Now, the mother of the petitioner has abandoned her and even the maintenance amount of Rs.5000/- is not being given by his father.

Though the present petition has been filed through the agency of the

mother of the minor but the fact of the matter remains that the petitioner is being maintained by her maternal grandfather.

Since the Family Court was not aware of all these circumstances and a statement was made before the Court below by the mother of the petitioner that she would take care of the child, impugned order dated 17.08.2016 was passed.

In such circumstances, the petitioner is permitted to withdraw the present revision petition in order to approach the Family Court afresh.

The petitioner, if so advised, would approach the Court her maternal grandfather and would apprise the Court that neither the father nor the mother of the petitioner are contributing anything towards the maintenance of the minor who is required to be maintained and a separate cause of action as against her parents under Section 125 of the Code of Criminal Procedure is available to her.

As and when such an application shall be filed before the Family Court, it would be decided on its own merits, as expeditiously as possible, keeping in mind the requirement of the minor.

Mr.R.K.Tarun, learned advocate, in that event, seeks permission to withdraw this revision petition in order to enable him to file an appropriate petition before the Family Court.

Dismissed as withdrawn with the liberty as aforesaid.

Dasti.

ASHUTOSH KUMAR, J

JULY 31, 2017

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