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

+ **CONT.CAS(C) 627/2015**

HEENA JAFRI

..... Petitioner

Through : Mr. Nishant Anand and Ms. Sumyya
Jafri, Advs. with petitioner in person.

Versus

ZEESHAN ALI

..... Respondent

Through : Respondent in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.02.2017

Respondent had filed Crl.Rev.P.235/2013 against the order of trial court; whereby interim maintenance of ₹15,000/- per month was fixed in favour of the petitioner herein. In the said petition, vide order dated 16th April, 2013 respondent was permitted to pay interim maintenance @ ₹10,000/- per month to petitioner during the pendency of petition. Subsequently, on 11th December, 2013, learned Senior counsel for the petitioner contended that the revision petition was not maintainable, in view of the Section 397 (2) of Cr.P.C. Learned counsel for the respondent prayed for treating the revision petition under Section 482 Cr.P.C. Learned counsel for the petitioner submitted that respondent shall first deposit the entire arrears of maintenance in terms of the impugned order before the prayer of respondent is considered. Accordingly,

order dated 16th April, 2013 was modified to the extent that respondent was directed to deposit the entire arrears of maintenance amounting to ₹3,97,000/- with the Registrar General of this Court within one week before his prayer for treating revision petition as criminal miscellaneous case under Section 482 Cr.P.C. is considered. Learned counsel for petitioner has contended that arrears have not been deposited in the revision petition, therefore, respondent be punished for wilfully violating the said order. He should be punished for having committed the contempt of court.

I do not find any force in this contention. A perusal of order dated 19th December, 2013 passed in Crl.Rev.P. No.235/2013 shows that in view of the non-deposit of the arrears of ₹3,97,000/- in terms of order dated 11th December, 2013, the request of respondent made on 11th December, 2013 was not considered and the revision petition was dismissed as barred by Section 397 (2) Cr.P.C. Respondent filed Crl.M.A.13344/2014 for restoration of the revision petition, but the same has been dismissed as withdrawn. For non deposit of the arrears revision petition has already been dismissed. In my view, no case of contempt of Court is made out against the respondent.

Petition is dismissed.

A.K. PATHAK, J.

FEBRUARY 14, 2017/dk