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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 202/2018

SAYYED AHMED GAFFOOR Petitioner
Through: Mr. Pankaj Chauhan, Advocate

versus

STATE (GOVT OF NCT DELHI) & ANR Respondents
Through: Mr. Ashish Dutta, APP
Mr. Rajendra Singh, Advocate
for respondent No.2

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **31.10.2018**

CRL.M.A. 4364/2018

In view of the cause submitted in the application, the delay of 32 days in filing the petition is condoned. Application is disposed of.

Crl. Rev. P.202/2018 & Crl.M.A.4365/2018

1. The petitioner has filed the present petition under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 (Cr. PC) for setting aside the impugned order dated 22.9.2017 passed by the Principle Judge, Family Courts, East Delhi, Karkardooma Courts, Delhi, whereby the defence of the petitioner (respondent before the trial court) was struck off in the case titled Smt. Aasma Ahmad Sayyed v. Sayyed Ahmad

Gaffoor, CC No.32/2017 under Section 125 of the Cr. PC.

2. Learned counsel for the petitioner submitted that the petitioner was served with the notice for 4.7.2017 and on that date, parties were referred to counselling and the next date was fixed for 22.9.2017. However, the matter could not be settled between the parties and the trial court struck off the defence of the petitioner on 22.9.2017 since he could not file a reply to the petition under Section 125 Cr. PC.

3. After some arguments, learned counsel for the respondent No.2 submitted that in the interest of justice and to cut short the delay, the petitioner may be given one opportunity to file the written statement/reply, subject to heavy costs. Learned counsel for the petitioner, on a query of the Court, stated that the petitioner is working with a TV channel and is earning a salary of Rs.60,000/- per month., which is disputed by learned counsel for the respondent No.2.

4. In view of the facts and circumstances of the case and no objection of the learned counsel for the respondent No.2, the impugned order dated 22.9.2017, striking off the defence of the petitioner, is set aside, subject to costs of Rs.10,000/-, which shall be paid by the petitioner to the respondent No.2 before the trial Court.

5. Learned counsel for the parties stated that the next date fixed before the trial court is 26.11.2018. The petitioner shall file his written statement/reply and pay costs of Rs.10,000/-

before the trial court on 26.11.2018. It is clarified that no further opportunity will be granted to the petitioner to file his written statement/reply to the petition under Section 125 Cr. PC, in case he fails to do so on 26.11.2018.

6. The petition is disposed of. CrI.M.A.4365/2018 is also disposed of.

CHANDER SHEKHAR, J

OCTOBER 31, 2018/tp