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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.REV.P. 412/2018 & CRL.M.As. 9078/2018 &
30985/2018

SIKANDER ALI

..... Petitioner

Through: Mr. Ankur Bhasin, Advocate
versus

NAHID

..... Respondent

Through: Mr. V.K. Aggarwal, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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20.12.2018

1. The following order was passed by this Court on 14.9.2018:

“The cost has been paid. A Demand Draft of Rs.2 lacs was deposited before the Trial Court. The learned counsel for the petitioner states that it has been released to the respondent. Accordingly, in terms of this Court’s order dated 30.05.2018, further proceedings in the execution proceedings shall remain stayed till the next date.

The learned counsel for the respondent seeks and is granted four weeks’ time to file a reply. Rejoinder, if any, be filed before the next date.

In the interim, the petitioner will pay an amount of Rs.5,000/- per month to the respondent towards the maintenance of the child w.e.f. April, 2018. The arrears of Rs.30,000/- shall be paid to the mother in three equal

instalments of Rs.10,000/- each. The first instalment shall be payable on 30.09.2018, the second on 23.10.2018 and the last on 20.11.2018, in addition to the monthly payment of Rs.5,000/- for the said months.

In view of the above, the learned counsel for the parties seek to explore the possibility of an amicable settlement of the lis.”

2. On 5.12.2018, this Court also passed the following order:

“1. Rejoinder not filed. Let the same be filed within 10 days.

2. Learned counsel for the respondent submitted that the petitioner has not complied with the order dated 14.9.2018 of this Court. The petitioner is directed to comply with the aforesaid order immediately failing which necessary adverse orders may be passed against the petitioner for the non-compliance of the aforesaid order.”

3. Learned counsel for the petitioner submitted that the petitioner has not been able and would not be able to comply with the order dated 14.9.2018 passed by this Court.

4. Learned counsel for the petitioner pointed out that the amount required to be paid in terms of the order dated 14.9.2018 is a big amount.

5. The Court asked learned counsel for the petitioner to take instructions from the petitioner, who is present in Court, whether he would comply with the orders dated 14.9.2018 and 5.12.2018 passed by this Court or not. Learned counsel for the petitioner stated that the petitioner has remarried and is not having sufficient funds to make payment and comply with the aforesaid orders of this Court.

6. The Court again asked learned counsel for the petitioner to take instructions from the petitioner and inform the petitioner that in case of non-compliance of the orders dated 14.9.2018 and 5.12.2018 passed by this Court, the petition can be dismissed for non-compliance. Learned counsel for the petitioner, after taking instructions from the petitioner, submitted that the petitioner can now only pay a sum of Rs.2,000/- per month and won't comply with the orders dated 14.9.2018 and 5.12.2018.

7. The attitude of the petitioner, present in the Court, is recalcitrant and defiant. The petitioner is having obstinately uncooperative attitude and the offer of payment of Rs.2,000/- per month now only seems to be an attempt to bypass the orders, after knowing that the petition can be dismissed for non-compliance of the orders and reflects his complete disregard to the orders of this Court.

8. The Hon'ble Supreme Court, time and again, held that the non-compliance and disobedience of the orders of a Court strike at the very root of the rule of law, on which the judicial system rests. Judicial orders are bound to be obeyed at all costs. Howsoever grave the effect may be, is no answer for non-compliance of a judicial order.

The judicial orders cannot be permitted to be disobeyed or circumvented. The parties are bound to follow the same unless and until the same are set aside by the competent Court. Accordingly, the petition is dismissed for non-compliance of the orders dated 14.9.2018 and 5.12.2018 and also for non-prosecution. All the pending applications are also dismissed.

CHANDER SHEKHAR, J

DECEMBER 20, 2018

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