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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 355/2014**

MUKHTIYAR SINGH Petitioner

Through: None

versus

SANTOSH YADAV Respondent

Through: Ms. Manika Tripathy Pandey, Mr.
Ashutosh Kaushik & Ms. Raveena
Tandon, Advocates

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **30.08.2018**

On 25.07.2016, this Court had directed as under:

*“Respondent is aged about 60 years. Her husband, that is, petitioner is aged about 62 years of age. Trial court has awarded the maintenance of Rs. 10,000/- per month in favour of respondent vide order dated 24 April, 2014. Neither the arrears have been cleared nor current maintenance is being paid. Revision petition would be heard only, if the petitioner clears at least 50% of the arrears to respondent. Petitioner shall also pay Rs. 5,000/- per month to respondent during pendency of the revision petition.
Renotify on 9th November, 2016.”*

The said amount has not been paid till date. For the four successive dates thereafter, i.e. on 09.11.2016, 11.01.2017, 25.04.2017 and 03.08.2017, adjournment was sought on behalf of the petitioner. On 03.08.2017, they were cautioned that the matter would be proceeded ex-parte if they were not

represented by a counsel on the next date.

On 31.08.2017, the case was simply adjourned to 19.09.2017, on the latter date, yet another adjournment was sought by the petitioners, which was granted. The Court noted as under:

“A prayer for adjournment has been made on behalf of the petitioner to take instructions as to whether the petitioner is ready to abide by the order passed on 25.07.2016 which is to the effect that this revision petition would be heard only after 50% of the arrear amount is paid and a regular payment of Rs.5000/- per months is continued to be made to the respondent.”

On the next date, there was default in appearance. However, in the interest of justice, the case was adjourned to 17.05.2018, on which date again, an adjournment was sought by counsel for the petitioner.

Even today, at 1617 hours, none appears for the petitioner.

The learned counsel for the respondent submits that despite a lapse of 25 months and innumerable opportunities, having been granted to the petitioner, he has not complied with the direction of this Court dated 25.07.2016, i.e. they have neither paid 50% of the arrears nor the maintenance amount of Rs. 5,000/- per month, during the pendency of this petition.

In view of the above, the petition is dismissed for non-prosecution as well as in default.

NAJMI WAZIRI, J

AUGUST 30, 2018

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